

E 381
.B954
Copy 1



LIBRARY OF CONGRESS.

[FORCE COLLECTION.]

Chap. E 321

Shelf, B 954

UNITED STATES OF AMERICA.



SPEECH

OF

^{Tristram}
MR. BURGESS, OF RHODE ISLAND.

ON THE MOTION TO STRIKE FROM

THE GENERAL APPROPRIATION BILL

THE SALARY APPROPRIATED FOR THE

MINISTER TO RUSSIA.

Delivered in the House of Representatives, February 3, 1831.



WASHINGTON :

PRINTED BY GALE & BEARD

1831.

1835 25 Oct 09

SPEECH.

HOUSE OF REPRESENTATIVES, FEBRUARY 3, 1851.

The General Appropriation Bill being under consideration, and the question, to strike out the appropriation for the Salary of the Minister to Russia, Mr. BURGESS, of Rhode Island, addressed the House as follows :

MR. SPEAKER: Permit me to justify myself, under all which has been said, both against me, and against whatever has been advanced by me in support of the motion made by the gentleman from Ohio. With the indulgence of the House, it may be well to look back to the question made by this motion ; for, gentlemen in their zeal to eulogize the Minister, or to abuse those who doubt the correctness of his appointment, have departed almost entirely from the matter in issue before us.

The objection to this appropriation, and the motion to strike it from this bill, have been made, because it is proposed for payment of a salary to a foreign Minister, who, by his commission of Legation, or by certain secret articles given to him, is authorized to *leave* the Court to which he is sent, to go to *any other country, whenever*, in his *own* opinion, his health may require it ; and not to *return* to that Court so long as, *according* to the *same* opinion, it may be *injurious* to his health to do so. We deny such mission to be a legal one ; we deny that the salary provided by law for foreign Ministers, is, or ever can be due to any man sent abroad under *such* credentials ; with such privileges *reserved*, and such powers *granted* to him, not to the *public*, but to *his own* use. The objection to this appropriation has, therefore, not been made because the gentleman was, when sent abroad, and had long been, a valetudinarian ; or because, if then in health, that health, exhausted by the toils of diplomacy, might require refreshment by relaxation and relief from public service.

No, sir; nor because that refreshment might not be found unless under a milder sky, and by removing to a more genial climate than that of Russia. Such things may excite, as they certainly have excited, the special wonder of the Nation; and they are, and will be very proper topics of debate, when considering the "state purposes" of this mission; but they have not been, nor will they be made the *grounds* of objection to the appropriation of this item in the bill.

We object to this salary on account of the illegality of this Mission, and because the Secretary of State, knowing the enfeebled health of Mr. Randolph—knowing his inability to attend to the laborious details of that public service—knowing that his constitution could not endure either the *winter* or *summer* climate of Russia, did invent this mission, and did advise the President to send out this gentleman with credentials as Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of his Imperial Majesty the Emperor of Russia; and at the same time to give him a commission, no matter for what cause, to *reside as* such Minister, in *whatever* country he might *choose* to reside. Such a mission cannot be formed—such a Minister cannot be sent abroad, either under our laws or our constitution, or under the usages and laws of Nations. I ask the attention of the House, therefore, to the enquiry, whether this salary can be *due* for an *illegal* and *void* Mission? whether it can be due as a *quantum meruit*, or as a pro rata compensation for the services which were rendered at the Court of Russia; or, *last of all*, whether it can be due, because this mission may *subserve* certain purposes, *highly useful* to the Secretary of State? Before these enquiries can, to the best purpose, be made, it is proper to give some reply to what has been offered by several gentlemen against this motion. These gentlemen have said less to support this appropriation, than to impugn the motives of those who oppose it. With my motives the gentlemen are welcome to amuse themselves. The storm of their abuse past over me, as the winter storms of my native New England have often passed over the humble dwelling of my boyhood, without shaking a stone from the chimney, or starting a shingle on the roof. I have too much respect for myself to believe that they have abused me from the wantonness of malice, but do believe it was done simply because they could find nothing to say more appropriate to the question.

This motion has been made to protect the rights of the Nation against the encroachments of power. Those who

resist such encroachments and assaults of power, must always expect to encounter vociferous, if not infuriated adversaries. I have not entered this warfare without "*counting the cost*." A school of high authority taught me that, in a war of aggression, "He who takes the sword shall perish by the sword"—but in a war of defence "let him who has no sword sell his *coat* and buy one."

How then has our defence been met and answered? How by the gentleman from Virginia? [Mr. BARBOUR.] First of all, I am accused of objecting to this appropriation, because it is for the use of a Virginian. In this the gentleman is utterly mistaken. I informed him of this error in a few moments after he had taken his seat. He has, notwithstanding, chosen to put this error in print. Suffer me, sir, in my place, and before this House, to protest against this procedure. The gentlemen who heard me then, and who do me the honor to hear me now, I call to witness, that I said no such thing; and I should have nothing to regret, could my protestation be made the printed companion of the gentleman's allegation against me, and travel side by side with it under the eye of the nation. This, I know, cannot be done; and I must suffer the imputation, wherever his speech is read, without my correction of its errors. Be it so; but I believe there is too much good sense, and too much moral sentiment in Virginia, to set down one of their fellow men as quite so stupid, or quite so malevolent.

The gentleman alleges that I considered this mission as a bribe offered to Virginia. This might have been said by me, because I believed it to be true. If said, was it said, or could it be intended, in derogation of Virginia? Is Virginia dishonored by this attempt of the wily Secretary? I did not, and no man will intimate that Virginia had even looked with a favorable eye on this bribe, this splendid bestowment. Not those who hear, but those who listen to the song of the syren, and are allured by the enchantment, become debased by the temptation. Sir, temptations are spread over the whole path of our lives, from the cradle to the grave. The enticements of pleasure beset our youth; the toils of ambition are spread for our vigorous manhood; and in old age, the honest *amor habendi*, when all other loves are frozen in the heart, allures the dim eye to gaze at, and the surd ear to listen to, the glittering beauties and golden melodies of avarice. Are we dishonored, because in the language of Sir Wm. Jones, "vice is permitted to spread her snares around us, that the triumph of virtue may be more conspicuous?" The ermine of the judge is not tarnished because some

unprincipled litigant has craftily proffered a bribe to the court. The name of the insulted Lucretia has arrived to us after a journey of more than 2000 years. Is it soiled by time, or by the breath of any one of the millions of millions who have pronounced it? That name, sir, like the Alps of her own Italy, whose tops nearest to heaven, are covered with eternal snow, is the monument of imperishable purity—while the name of the treacherous and cowardly Tarquin, scarred with infamy, will be, as it has been, throughout all time, the name of whatever is most vile and odious. Sir, Virginia is not dishonored; the tempter, and not the tempted, will suffer the infamy of the deed.

The gentleman from Virginia [Mr. BARBOUR] would overthrow our objections to this appropriation by eulogizing the man sent on the Mission. He alludes to the monuments of Mr. Randolph's fame; and lest men might call on him to shew where they are, he has placed them in the hearts of his countrymen, where no being but "the searcher of hearts" could discover their existence. What indications has Virginia given that those monuments are where the gentleman has located them? He has long been a Representative in Congress from that State. This is something in his favor; but from a State so long separated into districts, it is not conclusive. It is confined to his constituents, and only proves, what the gentleman himself has often asserted on this floor, "that never had man such constituents." He represented the whole State in the Senate—true; but this was for the fragment only of a term. Why was he not re-appointed? The interests, the honor, and high dignity of Virginia had been placed under his guardianship. How did he perform the offices created by these trusts? His conduct as a Senator from Virginia was brought before the Legislature of that State, on a question concerning his re-appointment. In this great Areopagus, than which none is more dignified, each judge, if he had a monument of this man in his heart or his house, read the inscription upon it. On what was he tried? Not on his political creed—he did not suffer, as the best of men have, for heresy. His faith was, for every purpose beneficial to himself, sound; his works alone were brought into question. On this question a deep and interesting debate arose. The gentleman may have been present and heard it; or if not, as it was published, he must have read it. It belonged to Virginia, and was a part of her great commonwealth concern; nor would I have brought this wholesome example of family discipline be-

fore the nation, had not the eulogist of this froward son of Virginia told us, that the monuments of his exploits were in the hearts of his countrymen. Does this debate, or the result of it, confirm the gentleman's assertion? He was weighed; and "mene mene tekkel upharsin" was written on all his monuments. He was rejected, and a distinguished Virginian was chosen to represent that State in the Senate, and restore her ancient honor and dignity in the councils of the nation.

I ask again, where are the monuments of this man's glory? Has he improved his native state in the great arts of civil life? In agriculture, his own peculiar vocation? It has never been said of him. Have manufactures been fostered by his encouragement? Sir, the very name is odious to him. The sheep, the most innocent of all animals, and supplying by its wool the material for perhaps our most useful manufacture—the sheep is so hateful to him, that, with all the poetry of the golden age in his blood, this gentleman has said "*I would go twenty rods out of my way to kick a sheep.*" Commerce has been as little encouraged by him as either of her sister arts in our family of national industry. He is one of a class of men, now grown quite small in our country, who despise traffic and traders; and would have considered Cosmo de Medici, the princely merchant and founder of Florence, as no better than a tin pedlar. He is literary, moral, I trust pious; but what has he done to advance learning, morality, or religion? In this House, where he so long had a seat, where are the fruits of his sage councils; the laws originated, or sustained by his eloquence; and which will carry his name to posterity as a patriot statesman? When the gentleman shall point to these monuments, and shew them to belong to Mr. Randolph, he may realize a fame somewhat less fugitive and perishable than mere words.

The gentleman from Virginia (Mr. BARBOUR) would carry my opposition to this salary to mere political account; and says I am opposed to it because Mr. Randolph overthrew the fabric of federal power. Be it so; let the man enjoy the entire fame of all the benefit, and all the mischief he has done. I had no share in that power which every citizen did not equally enjoy. It gave me no honor, no emolument. I do not believe, and I think thousands who aided in its overthrow, do not now believe, that any structure, since that time erected on its ruins, has given a holier sanctuary to the Constitution, or a more secure shelter to the rights and liberties of the people. If this giant partizan did overthrow that fabric,

he could not bury under its ruins the great principles of the revolution, "Union and Independence;" the songs of my cradle, the political creed of every hour of my life; and not sooner to be forgotten than the sainted bosom which nourished my infancy.

What did this man build, what could he build, in its place? Sir, when day light first dawned on the world after this event, John Randolph sat, in the glimpses of morning, like the genius of the earthquake, amidst the ruins of some splendid city, without the power, or the will to move a single stone to rear a new edifice. Nay, sir, when the statesmen of those times, forgetting the storm of party, set themselves in earnest to rebuilding, this man of monuments resisted their labors. Little does the gentleman know me, if he believes I feel anger at the labors, or envy at the fame, of the man whom he has eulogized. He will be remembered, when much better Virginians, and perhaps the gentleman himself, may be forgotten; but he will be remembered as the years of *mildew* and *blight* and *famine* are remembered, when those of *plenty* and *prosperity* are forgotten. He may live in story; but not, like Washington, "*in the hearts of his countrymen.*"

I should have said no more of the Secretary of Legation, had not the gentleman transmuted his confirmation by the Senate into the Roman ceremonial of bestowing the Toga Virillis. This toga, this gown, was, in the open forum, given annually by all the Romans to all their boys, who had, during the year, arrived to the age of seventeen years. By this classical allusion, I presume the gentleman intends to assure us, that Mr. Randolph's Secretary of Legation has fully arrived at that interesting period of his life. I had asserted he was twenty-one, but I willingly admit the gentleman's correction.

The other gentleman from Virginia (Mr. COKE) has reinforced his colleague. Will these gentlemen never have done with misstating me? Have I reproached Virginia? Never, sir; never. When speaking of any one of her citizens here, I have spoken of him as an American citizen. When speaking of that State, I have, on this floor, and elsewhere, spoken of her as one which poured her whole Spartan soul into the Revolution, which sent to the field of conflict a band of patriot warriors, "who have filled the world with their and our glory;" and which, to secure the benefits, in addition to the triumphs of victory, relinquished her territorial claims to an empire, preferring to *State sectional* interest the more *glorious* objects of *Union and Independence*. I reproach Virginia!

is it not the birth place, is it not the burial place, of Washington? Sir, who can reproach that most fortunate, most consecrated region, or even suppose the enormity possible, "and hope to be forgiven!"

I have, as the gentleman says, abused the President, and his Machiavelian policy. I have spoken of the President as of the first dignitary of the nation, and in no terms of disrespect. I have alleged, that, like monarchs in the old world, he has been advised by ministers; and under that advisement, has permitted those ministers to furnish, in his name, his annual message to Congress. Will the gentleman pledge his literary reputation, upon a denial of this allegation? I have said the President has been miscounselled; has suffered his confidence to be abused by an artful Minister; and that, too, in this very appointment. I put it to the gentleman, upon his conscience, to say, whether he believes this question could have come up, in this House, if Mr. Tazewell had been Secretary of State?

Of the Secretary of State I have spoken, and will *speak*, as I believe he *merits*. He is a power constitutionally connected with the Executive; but now, like the parasite plant under shelter of the oak, it has crept, and clasped, and wound itself around the trunk, spire above spire, until it overtops the loftiest branch of the magnificent tree. The leaves of the ivy will *soon* conceal those of the oak; and, unless the insidious plant be removed, render it a sapless trunk.

The gentleman recommends to us charity, Christian charity. Where does he learn, that the delinquencies of Rulers are to be visited only in charity? While the Messenger of divine charity wept over the coming ruin of his nation, did he not severely rebuke those Rulers, that generation of vipers, stinging and poisoning that nation, and hastening on that destruction.

Sir, we are charitable. The people have looked on in charity. Charity has done her utmost. Her "mantle has covered a multitude of sins;" but the brood has multiplied, and increased in size, and outgrown the covering.

This gentleman unites with his colleague, in eulogizing Virginia. It is all supererogation. History has done it justice. The lofty-minded matron, we knew, thought well of herself; but no one deemed her quite so proud as the gentleman has announced her to us. In wielding the broom, or scolding her household, she may well scorn Neptune's trident, and Jove's power to thunder, as the gentleman says she does; and some of her children have given us fair samples of the family lectures.

The gentleman from Georgia, (Mr. WAYNE,) has come forward to support this "State Mission." To support, do I say? His effort seems rather suited to rebuke me and those engaged with me in support of this motion, into utter silence. Nor would he silence us only, but stop the public press. Silence this House!—silence the public press! what *more* can be required for the establishment of a despotism over national opinion.

The gentleman has advanced an argument on the question. It is drawn from analogy. He will permit me to say, that such arguments are of all others the least conclusive. Founded on the resemblance of things, they have all the uncertainty of their foundation. He who should affirm, that all human forms are alike, would affirm the truth; but what conclusion could he draw from it? For he who should affirm that all human forms are different, would equally affirm the truth. The gentleman affirms, that we ought to make this appropriation to pay this salary, notwithstanding Mr. Randolph, by permission of the Executive, left the Court of Russia a few days after his arrival there, and has not returned, or may not return to that Court again. He alleges this, because the Members of Congress are paid, notwithstanding they may be taken sick, either on their journey hither, or while here, or on their return home. It is true; but the analogy between the cases extends no farther. Suppose a case just like Mr. Randolph: suppose a Member of this House arrive here, is here taken sick; and on leave of absence departs from this City for Charleston, Savannah, or New Orleans, to regain his health, and does not return during the session; would he receive his pay? Could he receive it? I regret the gentleman thought it proper to say that we, in support of the motion, had used falsehood; "a thing equally dishonorable in argument, with the use of empoisoned weapons in war." I regret this, because I had expected from him nothing but what was fair in debate; and pure, classical, and urbane in language. This expectation had been sustained by my own attention to the gentleman's demeanor in this House; but it had been raised by the report of him made to me by one in the relations of friendship to him, and than whom no man on earth is dearer to me. Will the gentleman do himself the justice to mark and point out the items of falsehood set down and used by us in our account of objections to this appropriation?

All these gentlemen agree in the argument against this motion, drawn from the incompetency of this House to question this appropriation. The President and Se-

nate, to whom the Constitution has confided our foreign relations, have, they tell us, established this Legation ; and this House cannot, as they affirm, refuse this appropriation in support of it. Are we placed by the People as the constitutional keepers of the public treasure, and yet bound to follow every Executive call for their money ? Is it our whole fiscal duty to obey orders, and grant subsidies ? Does not deliberation, and debate, and discretion, belong to this House ? We can grant, and every power which can grant is, by its very nature, endowed with the power of refusal. Sir, our power to refuse appropriations is the constitutional check placed in our hands not to stop but to regulate, the movements of the Executive. Without this power and its discreet and diligent use, the nation would be at the disposal of the President and Cabinet Council.

Sir, this mission may be regarded as the commencement of a system of sinecure appointments, of salaries without services. Sent to one Court, where he did nothing ; and, in the exercise of his powers, gone to another, where he can do nothing, what service is required, or was, or could be expected from him ? When he shall return next June, what will he have done ? His most zealous friends must say, NOTHING. If, then, he receive this salary, he will receive it without service of any kind rendered to the nation for it. The Secretary does avow, in the Message, that the "power to leave the Russian Court for the advantage of a more genial climate, was given to Mr. Randolph in *consideration* of the extent to which his constitution had been impaired in the public service." What were those services ? The duties of a member of this House or of the Senate, and for which he received his legal compensation, like every other member. Was "his constitution impaired" by these services ? Were not the constitutions of others impaired, and even their lives consumed, in like services ? Is this gentleman alone selected for a place where he may, "in consideration of the extent to which his constitution has been impaired by those services," receive in one year the sum of \$18,000 ? This, sir, is the FIRST PENSION for CIVIL SERVICE on our records. How many hearts of revolutionary soldiers would this have made glad ? Into how many abodes of desolation and widowhood it might have carried the light of joy, and brought on you the blessings of how many now ready to perish ? Such a system of sinecure appointment and *civil pensionage* may be extended alike to the Courts of all civilized nations, and to the hordes of Nomade barbarians, requiring no residence, ei-

ther near the palaces or tents of the foreign power; the formality of a visit and a presentation may soon be omitted, and the Envoy Extraordinary and Minister Plenipotentiary will, "in consideration of his public services," be permitted to receive his outfit and salary, while he continues to reside on his plantation.

What a scheme of speculation does this system open to the crafty and unprincipled, to men always at market either to sell themselves or to buy others! By this, *unstable* politicians of every variety of creed may be kept to the true faith. By this, tempest-beaten partisans, shipwrecked in principle and fortune, may be towed into port, and laid up and preserved for future use. Establish this system, sir, and add to it a Government Treasury Bank, and the Secretary might buy into the Presidency with your own money; nor, like that Roman who bought the Imperial Purple at auction, be obliged to lay down his own gold and silver for the purchase. Shall we, sir, through any fear of transcending our jurisdiction, give our sanction to such a system? A bolder stand than is now required was taken 16 years ago, on this floor, by an honorable member, now high in office, and presiding over the deliberations of the other House of Congress. 'I will,' said he, 'vote no appropriation for the Navy until the Secretary of that Department is removed.' What was the result? The Secretary was removed; and the naval branch of the service did receive, as it always has received, his cordial and efficient support. In 1795, when the appropriation was under consideration for carrying into effect the second treaty with Great Britain, Mr Gallatin declared, in this House, that a treaty had no binding force as a law of the land until such appropriations were made; and that this House, holding the power to control such appropriations, held the constitutional power of rejecting treaties. Mr. Madison contended that this House had the right to judge concerning the expediency of treaties; and, as they might decide that question, to grant or refuse appropriations for carrying them into effect. This case does not require the aid of these doctrines: for public faith will not be touched in our foreign relations if Mr. Randolph should not receive a salary for residing in England as Minister at Russia. Has the gentleman from Virginia (Mr. J. S. BARNOR) forgotten that the motion to strike out the enacting clause of the bill appropriating salaries for the Panama Mission was sustained by sixty-one members of this House, and that he himself, with nine of his colleagues, voted for it? Will gentlemen still contend for their own incompetency

to question this appropriation ? Sir, we are, by the Constitution, vested with a high competency and discretion on these important matters ; and to these constitutional attributes of this House has this motion been addressed.

It is humiliating, but I must reply to the gentleman from New York. For myself, I would let him pass. It is a kind of Domitian amusement, this killing flies with a bodkin. Gladly would I say, with the commiseration of Uncle Toby, to the little buzzing inconvenience, (when I have him in my hand,) "Go, poor insect, go ; the world is surely wide enough for thee and me."

I have some apology for giving some attention to the speech of the gentleman from New York. The place, however it may be filled, does give a kind of character to what is said or done in it. No matter how utterly inconsiderable, or even contemptible a person may be, whenever a constitutional portion of the people has placed him at one of these desks, replying to what he may have said, though it may not be very creditable, yet must be excusable, in any Member of this House. The Romans were wont to place a *wooden image* in their gardens, as the special protector of the place ; and Horace has related to us the soliloquy of one of these Roman deities, wherein he gives some account of his own apotheosis : "*I was,*" said the Priapus, "*a useless log, until the carpenter took me in hand : but he has now worked me up into a god !*" The people of New York can surely turn out as good work as the Roman carpenter.

We are by this learned and hon. gentleman reproached for a want of magnanimity ; and are told that no objection, for any such cause, was made by him and his party to any appropriation. The true difference between his and our efforts will be found in this : we labor to *save* money from illegal and useless appropriation ; he labored to abuse those who had, in pursuance of legal and useful appropriation, honestly paid it away.

What were the doings of this magnanimous gentleman in a committee of which he was a remarkable member ? Here is the record-book of that committee. I have selected, as an ordinary sample of this gentleman's labors of retrenchment, four cases, and will trouble the House with a few quotations, and a few remarks upon them.

On the 25th April, 1828, the Committee being in session—

"The Chairman then stated to the Committee, that he felt it is duty to mention, that a citizen now a resident of this District, had inquired of him whether, in any of the accounts of the contingent expenses of the Government,

the United States were debited with the sum of five thousand five hundred dollars, paid to the late Daniel P. Cook, late Representative in Congress, from the State of Illinois, for certain diplomatic services, upon which Mr. Cook was supposed to have been sent abroad during the last summer."

"The Chairman stated that he did not feel at liberty to communicate the name of his informant, but in regard to the purport of the communication he felt no such reserve, and it was for the Committee to make such order on the statement as they might deem proper.

"It was, on motion of Mr. Cambreleng,
Resolved, That the Committee consider the communication."

Sir, this Committee, under this resolution, sent for witnesses: honorable members of both Houses and the Postmaster-General were called before them. Why not call for the man himself, for Daniel P. Cook, against whom this anonymous information had been made? He was dead. The man at whom the gentleman from New York magnanimously aiming his arrow, slept quietly in the green bosom of his own beloved Illinois. The voice of the nameless informer, embodied by the resolution of the gentleman, though it might pollute every threshold, and violate the harmony of every house in the nation, could not reach the sanctuary, or interrupt the repose of the tomb. Permit me to speak a word concerning Daniel P. Cook; because every man who hears me did not know him as many of us did who sat in this House with him. He was a man whom the gentleman from New York would probably not call a genius; but his mind was of that cast and capacity in the transaction of human affairs, to which every man would wish to commit the management of his own. His sense was that of the every day intercourse of men; and would pass, like the most precious, or most useful metals, wherever such a commodity could be in request. A man, in whatever may be required of manhood; a child in all that singleness of heart and purity of purpose, which render childhood so amiable. With those who knew him well, he had so fixed himself in their hearts, that though they might wish to forget the pain of their loss, they can never cease to remember his useful public labors, and many endearing social qualities.

Our relations with Cuba have long been interesting and important. Gentlemen will call to mind that we have frequently heard from Europe, that Cuba might be transferred from Spain to some other sovereignty. Such

a report was rife in this country in the winter of 1826-7. It was believed by friends of the last administration, that a confidential Agent was by Mr. Adams sent to Cuba, to ascertain, if possible, the truth of this report; and that Daniel P. Cook was that Agent. He had, it was believed, been paid out of that fund which Congress has ever since the foundation of the Government, annually or otherwise appropriated, and placed in the hands of the President, for the compensation of confidential services. All this may be known to the gentleman from New York now; and had there been fraud in the transaction, we should have heard it on this occasion, called at his mouth, by its harshest English name.

The gentleman might have known the whole affair at that time. This appears from the following letter from Mr. Clay, then Secretary of State :

DEPARTMENT OF STATE,

Washington, May 1, 1828.

TO JAMES HAMILTON, JR. Esq. &c.

SIR : I have received your letter under date this day, stating that "it having been ascertained that the late Daniel P. Cook, late a Representative in Congress, from the State of Illinois, received a sum of money from the Government, during the Spring or Summer of the last year, for certain services supposed to have been either foreign or diplomatic, you are instructed, by the Committee on Retrenchment, to request me to inform you where they are to look for the auditing of the sum, said to have been received by Mr. Cook, and if not audited in the usual course, what was its amount."

Without admitting or denying the correctness of the information which the Committee are stated to have received, I have the honor to observe that I am not aware of the disbursement of any money through the agency of this Department, the account of which has not been, or in a regular course of settlement is not to be, audited in the usual way at the Treasury, or passed upon a certificate of the President, in conformity with the provisions of the 3d section of the act of the 1st May, 1810, entitled "An act fixing the compensation of public Ministers, and Consuls residing on the coast of Barbary, and for other purposes." I cannot presume that it was the intention of the Committee to inquire into any disbursement which may have been made agreeably to that section; and all others are accessible to them, in like manner with other expenditures. I have, however, the authority of the President for saying that I will make to the

Committee a *confidential* communication in relation to the expenditure to which they are supposed to allude, if they will signify their desire for such a communication. In that case, I should be glad to learn their pleasure as soon as convenient, as I purpose leaving the city, on the fourth instant, a few days, on account of the state of my health.

I have the honor to be,

With great respect,

Your obedient servant,

H. CLAY.

Why not receive and communicate this confidentially to the House? Every statesman must perceive at once the indecorum of giving it to the House in any other manner than confidential. What! place on our ordinary journal, publish in our papers, and send to Europe that the friendship of General Vives, the Intendant General of Cuba had induced him confidentially to communicate to the Agent of our Government, concerning the disposition of Spain to sell, and of England to buy the colonial sovereignty of that Island? A confidential communication would not do. A plain, honest, and full statement of facts was not wanted. The *magnanimous* gentleman from New York wished to strike a blow at the President and Secretary; he chose to do it by mining; and if, in his subterranean course, he should dig into the grave of Daniel P. Cook, how could he doubt that the exigencies of the public service would justify this violation of the sanctuary of the tomb? He chose to follow the trail of an informer, who had so little confidence in this inquisition, that he would not "commit" even his own foul name to the gentleman's safe keeping. Mr. Cook, it was known, was in very delicate health, and was about to visit Cuba for the benefit of the climate. In the examination of the witnesses, the whole labor of the gentleman was directed to prove that the state of his health would not permit his doing any public service, and that if he received any compensation, he must have received it for nothing. The gentleman was discomfited by the result; for it came out in evidence, that feeble as was his health, he had performed all that was required of him. His compensation was not ascertained; but it is probable, say the committee, that he received more than \$1,000; and this is set down by the magnanimity of the gentleman as an act of "Executive favoritism, or flagrant abuse."

Compare this service and expenditure with the Mission, and Minister, and appropriation, now under debate. Mr. Cook was in delicate health; but that served to place him

above suspicion of any sinister purpose in visiting Cuba. His acquaintance with General Vives while in this country, the known integrity and obvious simplicity of his character, the amenity of his manners, and even his delicate health, all combined, must have placed him at once, in relations of entire confidence and frank intercourse with the Intendant, and enabled him to obtain speedily from that Governor all which it was proper for him to communicate, or for our Executive to know. Let the gentleman taunt us for a want of magnanimity. Let the nation judge between us.

The next case in this record to which I ask your attention, is that of John H. Pleasants. The House will have a full knowledge of this case from two letters, the first from Mr. Pleasants to Mr. Clay, the second from Mr. Clay to the Committee of Retrenchment.

Mr. Pleasants to Mr. Clay.

LIVERPOOL, 7th July, 1825.

My Dear Sir: If you are surprised at the date of my letter, I am scarcely less surprised at the circumstance myself. To be in England at all is what I never expected. To be here when I expected to have been in Buenos Ayres, seems rather the effect of enchantment, than of ordinary causation. It remains, sir, for me to account for this apparent dereliction of duty; and I cannot but hope that a plain statement of the circumstances which changed my destination, will exculpate me from any blame in your eyes, solicitous as I am to preserve that good opinion which procured for me the charge conferred by the Department of State.

After many ineffectual attempts to secure an earlier passage, in which I was baffled by the diminished intercourse between the United States and the provinces of South America, which lie beyond the Spanish Main, I succeeded in procuring a passage in the brig William Tell, which sailed from New York on the 28th May for the River Plate. This vessel was not such a one as I should have selected, had I had my choice. Being simply a merchant ship, it was destitute of comfortable accommodation; nevertheless, becoming impatient for action, and foreseeing that, if I neglected that opportunity, I might meet with no other, I availed myself of it, and sailed, as stated, on the 28th May. I speedily had cause to regret my precipitation in choosing such a ship. The cabin, not 15 feet square, was destined to accommodate, in a voyage which would occupy from 60 to 90 days, 25 passengers. * * * When the horrors of sea-sickness

were superadded to the other painful circumstances attending my situation, my sufferings became greater than I can describe. Deprived of every comfort, with not ten feet square for exercise, a pestilential air, and most offensive smell pervading every part of the ship: and even without the most common medicines, I assure you, sir, that death would have been no unwelcome visitor. I was seized with a high fever, and in ten days reduced, in my own opinion, and in that of those around me, to the brink of the grave. At this time, we spoke an American ship from New York, bound to Antwerp: the Captain, who was likewise ill, was bearing for Fayal, in the Azores, and, by great persuasion, was induced to take me on board, in a miserable condition. Two days after this removal, my new Captain recovered his indisposition, and resumed his course for Antwerp. Having no inclination to visit Holland, I determined to avail myself of the next ship that we might speak, and return to the United States, or go to England. From the time that I boarded the vessel in which I then was, I had begun slowly to recover, from the superior comforts of its accommodations. On the 20th of June, we spoke the brig Olive, from New York, to this port, and the Captain consenting to receive me, I arrived in Liverpool on the 1st instant, having been at sea 33 days. The despatches which were entrusted to my care, I forwarded to Mr. Forbes, in charge of Captain Hinman, of the William Tell, to whom he was consigned; stating the reasons of my not bearing them in person, and requesting him to forward those for Mr. Raguet, at Rio. If the William Tell goes safely, the despatches will safely reach their destination.

These, sir, are the circumstances which have brought me to England, and I hope that they are such as to excuse my abandonment of my charge. As I am here, I have determined to devote a few weeks to the purpose of seeing the country, after which I shall have the pleasure of giving you, in person, a more detailed account of my voyage.

With high respect, your obedient servant,

JNO. H. PLEASANTS.

Extract of a letter from Mr. Clay to Mr. Hamilton, Chairman of the Committee of Retrenchment.

"It was not believed that the visitation of Providence with which he was afflicted, ought to deprive him of all allowance for expenses, and all compensation for services; but it was not thought right that the per diem should be continued during the whole period of his absence from

home, and until his return to New York, on the 22d October, 1825. It was therefore limited to the 22d August, 1825, that being the time when it was estimated he might have returned to the United States, if, after abandoning the voyage to South America, he had sought an opportunity of coming home, instead of proceeding to Europe. It was within the discretion of the Department to have compensated him as the bearer of despatches from Mr. King; but it was not deemed proper to make him any allowance for that service."

Were these explanations satisfactory? What did the Committee say then? These are their words:

"Amidst the numerous appointments of messengers made by the present Administration, they will select the account of J. H. Pleasants, editor of the Richmond Whig, because that case, in their estimation, presents the most flagrant example of abuse."

"Either his despatches were or were not of importance: if they were of importance, like a soldier on post, no consideration should have induced him to have deserted them: if they were of no higher importance than to have rendered it safe that they should be confided to the captain of an ordinary merchant vessel, then they should have gone through this channel, and Mr. Pleasants ought not to have been appointed."

Sir, Daniel P. Cook was pursued by the gentleman, because he was dead; John H. Pleasants was in like manner pursued, because he was alive.

The case of Mr. Brooks is another on this record. He was a Clerk in the office of the Treasury. Grown old and becoming enfeebled, his fellow clerks, with a generosity of purpose peculiar to themselves, performed his duties in the hours of recess, or by extra labor, and permitted this aged and destitute man to receive one half of the salary. This instance of redoubled diligence and charitable provision for a superannuated fellow-laborer in these generous men, is set down in the gentleman's diary of abuses, and the Executive is censured, because this aged man, with his family, was not thrown out to perish in the streets.

The case of Anthony Morris is another. He is a clerk in the Register's office. Mr. Morris is an old man, is one of those few veterans of the Revolution and old Congress now alive, who by their employment and memory connect the present with the past Government. He is a literary man, the only one, says Mr. Michael Nourse, in the office. What of that? In consideration of his advanced age, infirm health, and that of his daughter, he might be absent

from the service three months in the year—one month more than the ordinary allowance to all the clerks.

This case, sir, is by the magnanimity of the gentleman, marked down among the instances of gross Executive abuse. What can the gentleman reply to these exploits of his magnanimity?

I leave it to the nation to compare Rufus King with John Randolph; and the Mission of one to England with that of the other to Russia. Let them also compare the recess of Mr. Brown, Minister to France, after years of service, and after sending home his resignation, let them I say run the parallel between this recess of Mr. Brown for a few days to the South of France, or the Lake of Geneva, and the Hegira of John Randolph, after a ten days visit, from St. Petersburg to some place, no one can tell where, in England. The people will do justice in all these cases.

The Gentleman from New York has thrown his ponderosity into the scale of panegyric, thereby to render the weight of eulogy on the Russian Minister overwhelming—scrap iron increases the weight not the value of gold. He does admit some sort of talent in speaking, to the parliamentary rivals of himself in eloquence—to Lowndes, to Clay, and to Webster. Cicero took his family name from a bean on some part of his face; and doubtless many a coxcomb has believed himself to be an orator, because, like Cicero, he had a wart on his nose. Somebody has said that "Man, of all the animal creation alone, is endowed with vanity." Who ever saw the Cock Sparrow measuring his wing in flight with the Falcon? I believe there are gentlemen in this House who could give us good reasons why the eloquence of the Orator of Roanoke is so well recollected by the gentleman from New York. No worker on the Roanoke plantation has better reasons to remember the eloquence of the overseer. Much as that eccentric man loved his joke and his sarcasm, he loved his fame more; and he would have spared the lash on that occasion, could he have suspected it might bring him into the poor condition of enduring praise at the hands of the gentleman from New York. Such revenge for such a cause, is said to be peculiar to that gentleman, and *one* species of *one other* race among us.

Has the gentleman so long been a mere adjective to the Secretary of State, that he thinks it slanderous to associate the name of that Politician with any *other* accident? Children, in these scientific times, who have advanced somewhat into the mysteries of chemistry do, after beating up soap and water together in a basin, amuse

themselves with a clean pipe in blowing up bubbles and sending them off from the bowl inflated and glittering, to sail away a moment, and then burst and vanish into their original nothingness. For aught I know the Secretary may be amusing himself by the same innocent experiment. Who would interrupt the sentimental harmony of political friendship! For all which he is distinguished, the character of the Secretary is fixed; it cannot be *elevated* by any labors of the protege—it cannot be *lowered* by the efforts of others. God forbid that I should throw a straw in the way of any man's advancement. Their friends are *daily* carrying and laying at the gate of the Treasury, those who have *every* thing to recommend them *except* the *piety* and *good works* of the beggar in the parable; and who, all alike, desire to be fed from the crumbs which fall from the tables of those feasting within. "Hope deferred," we find, does "not make every heart sick." Gentlemen, doubtless, have assurances that *each political Lazarus* shall be served in his *turn*. The next basket of broken meat brought out may be sent to New York, and amply satisfy the appetite, sharpened by a two years want of it.

The gentleman accuses me of a departure from the question to bring into the debate our late treaty with the Sublime Porte. Sir, every thing rendering our Russian relations important, comes into any question concerning them. Do not our new relations with the great European rival of Russia demonstrate more strongly our need of an efficient mission at the Court of St. Petersburg? The Secretary has told us in the Message, that the Black Sea has been opened to us by our treaty with the Sublime Porte. The gentleman does know full well, that the swords of our brave Russian friends not only hewed their way through the Balkan down to the plains of Adrianople; but that by the treaty of that city they, for all purposes of navigation, widened the Bosphorus to a breadth equal to the Hellespont, and thereby united the Euxine with the Egean, Levant, whole Mediterranean, the Atlantic, and all other seas and oceans. What may our Russian imperial friend say to us for receiving from the Turk as a boon, to say nothing of our promise in return, what his valor, blood, and treasure had conquered for us and all nations? Omitting, therefore, the secret article, does not the opening the Euxine, either by the Russian power or by the Turkish treaty, mightily enhance the importance of this question, and call imperatively on the Executive for an efficient mission *at* the Court of St. Petersburg? If the gentleman cannot perceive this, he is less a

statesman than he would seem to be ; and even much less such, if that were possible, than others have esteemed him.

But I drew my facts from unprincipled partisans, and newspaper rumour! I said so before—I drew part of the truth from the Secretary—the *treaty*. The other part, the *secret article*, from the *newspaper*.

Sir, it has been the labor of the Secretary's life to *establish* newspapers, entitled to *no* credit; and to *discredit* all others. He has founded a school, and is at the head of it. In that school, the great axiom is, "every thing is fair in politics;" and to him are not politics every thing? Let him go on to improve the condition of the Press. Let him extinguish the light of truth wherever he can extend the finger of power. Let him do one thing more—aided by his minions, no matter where—let him persuade the people, that the *honest*, the *independent* papers of this country, are vehicles of falsehood, and mere rumor; let them be, as they have been, *on this floor*, branded as *false, foul, and dirty*; and let the member who quotes from their pages the history and impress of the times, be reproached as a blockhead, a blackguard, a slanderer—and what more could the Secretary of State desire, which he would not be sure to obtain? Sir, such a consummation would have saved to Charles the throne of France; and to the patriots of that country, their revolution.

I did quote for the secret article, in the Turkish Treaty, from the newspaper: dares the gentleman question the truth of the quotation? Had I drawn a bow with a more advised aim, could the pigeon on the pole have fluttered more manifestly? The gentleman has, notwithstanding all these assertions, accused me of drawing my facts from a perjured Senator. Has it come to this? Was it found necessary not to commit our first treaty with the Great Disciple of Mahomet to the Christian Senators of the United States, until their lips were sealed by the solemnities of an oath? It is a new formula in the executive department of the Senate; and will appear by the published journals of that body to have had no place in their proceeding until the present session. When a treaty in 1795 was published by a senator against an injunction of that body, who accused him of perjury? The gentleman whose mission is now under consideration, did, on this floor, pronounce a studied eulogium on Stephens Thompson Mason, the senator who published that treaty. Would he eulogize perjury? Sir, the secret article was published before the treaty was announced to the House, or sent to the Senate. The correspondence on the West India question was published in the same manner. Has

the Secretary of State adopted this method, and put out his feelers, to take the national pulse?

I do not ask what warranted, but who authorized or instructed, or encouraged the gentleman to connect perjury with that venerated word which designates the members of a National Council, the most dignified and honorable on earth?

How could I shun insult, when such men are reviled? I do not ask by what statesman or gentleman, but by what apology for a man? In what other assembly on earth has "the hoary head" been used as a term of reproach? Has the gentleman passed so far beyond the vigour, and bloom, & modesty of juvenescence, that he has forgotten the amiable instinct of our nature which warns our youth to pay in advance that consideration to age which it may come to desire for itself? Though grey hairs have been held in respect by barbarians in all countries, and by even the most profligate and unmannered in all ages, yet, knowing him (*ab ovo ad plumas*) I am not disappointed in the language or demeanor of the gentleman from New York. Men, better than I am, have been reviled in their age by men no better than he is. Washington was called a "hoary headed incendiary," by a vagabond of *almost* unparalleled mendacity and impudence. The "bald head" is, I assure the gentleman, no joke; though he seems to be original in using it as such. This inconvenience, or if you please, imperfection, has been suffered by *some* very *great* men; but quite rarely, if ever, has it been experienced by *any* very *little* ones. Cæsar is said to have been more grateful to the Roman People for granting him the right to wear the laurel crown than for any other of their gifts; because the wearing it enabled him to conceal the exterior baldness of his head. If it be true, as Shakespear tells us it is, that what nature has scantied men in wit, she has made up to them in hair, then the gentleman I believe, should he win a laurel crown, would never like Cæsar have occasion to wear it, for any lack of that commodity.

Who reviled the prophet, returning from the blazing translation of his master, with a countenance bright with the glories of opening Heaven and wrapt in the mantle of Elijah—who, sir, reviled the prophet for his "bald head?" Profligate *young* men, *boys*, *children* as they are called; the *scum* and *sweepings* of the city, and as we find by the historian, *fit* only for *food* for those animals which are *fed on offal*.

The gentleman is equally out in his ornithology, as in every thing else. The bird of Jove, not the vulture, is

that soaring wonder, by men called the "Bald Eagle;" and, sir, never was that "soaring eagle, in [his pride of place, hawked at, and brought down by the mousing owl."

Sir, my remarks have been excursive, but I have travelled over no ground where some one of the gentlemen had not placed himself before me. If these gentlemen are out of the field, and I do not see them in force, on any point of the argument, I will return to the questions made by us under our motion.

[At this period of his Speech, Mr. BURGESS gave way to a motion for adjournment.]

ON MONDAY, FEBRUARY 7,

MR. BURGESS CONTINUED HIS REMARKS.

I ask the House to inquire, whether the salary to be provided, under our law, by this appropriation, can be due for an illegal and void mission? Ambassadors and other public ministers, though they may be appointed by any sovereign community, yet, being officers sustained and sent abroad by the laws of nations only, must be appointed and commissioned in conformity to those laws. The power of every nation is confined to its own territory; and, therefore, no officer of one nation can, as such, pass into the territory of any other, and there exercise any official functions whatever. Nations being moral persons, like individuals, have established certain laws for their own mutual intercourse. Under these laws the offices of Heralds, Legates, Ambassadors, Envoys, and other public ministers, have been created, and by them are the powers, rights, and immunities of all such officers governed. Our Executive can, therefore, create public Ministers; but it must be seen that the foundation of their power to do so is laid down in the Laws of Nations. (Vat. Book iv. ch. 5, § 56-7.)

“Every sovereign state, then, has a right to *send* and *receive* public ministers; they are the necessary instruments in affairs which *sovereigns* have among *themselves*, and to that correspondence which they have a right of carrying on. In the first chapter of this work may be seen what we mean by *sovereigns* and *independent states* which constitute the great society of nations. These are the powers which belong to the right of embassy, and an unequal alliance or treaty of protection does not take away this right.”

Our law providing salaries for public Ministers and Consuls, and the Constitution, by vesting the power of appointing them in the President and Senate, has

neither created nor recognized any new power in the United States, not incident to them in common with all other nations ; nor can any authority be drawn from this law, or the Constitution itself, to appoint public Ministers or Consuls, other than such only as are known, acknowledged, and established by the great code of laws governing the intercourse of all civilized nations. Our Executive can, therefore, neither give powers to Consuls or public Ministers, nor send them abroad for purposes unknown to those laws.

Should the President and Senate appoint, and send into foreign countries Consuls, as France once did, with admiralty powers on questions of capture under the laws of war, would these be Consuls under our Constitution, unless they were such under the laws and usages of nations ? In like manner, if the Executive create missions, and appoint Ministers to go into the territories of other nations, there to hear and decide controversies arising among American citizens, or to try and punish crimes mutually committed by such citizens against each other, could we be called upon, under our law or Constitution, for appropriations to pay their outfits and salaries ? Why not ? Because the laws of nations has established no such Consulate, no such Mission, no such Minister ; and no nation can create a new embassy, or one unknown to the laws of nations.

A Sovereignty may send abroad Ambassadors, Envoys, or resident Ministers. It may also send Envoys Extraordinary and Ministers Plenipotentiary ; a grade of diplomatic functionaries comprehending the especial officers of the Envoy and the resident Minister. These ministers, however, must be sent for some specific purpose, which must be in its nature public and national, and they must be addressed, and carry credentials of their appointment and character, to some designated sovereign. Sovereigns can accredit and receive resident ministers ; but will it be pretended that they can accredit and receive NON-RESIDENT MINISTERS ; such as, when so accredited and received by the Government of *one* nation, are THERE-BY authorized and empowered to reside as ministers to that nation in the territories of any other ! The act of accrediting and receiving public ministers is one of the highest acts of sovereignty. Under the confederation it was done in Congress assembled. By the Constitution, this august attribute of sovereignty is conferred on the President. In all the governments of the old world this act of sovereignty is, I believe, in like manner, performed

by the Chief Magistrate of the nation. Although the whole sovereignty of a nation be, in accrediting and receiving a public minister, put in requisition by the Potentate who performs this great state ceremonial, yet the legal effects of this act of sovereignty must be limited by whatsoever limits all the acts of each and every sovereignty. The Legislative, Judicial, and Executive powers of every nation are limited by the territory of such nation ; and, therefore, every exercise of any of those powers must, in their operations, be confined to the territory of the nation exercising them. The august act of sovereignty, therefore, by which a public minister is accredited and received by the Executive Potentate of any nation, like the laws and judicial decisions of that nation, can have no efficiency, no legal existence, otherwise than as a mere matter of fact, beyond the territorial limits of that nation. Whenever, therefore, any sovereignty does accredit and receive a Resident Minister, such Minister receives *thereby* no powers which are not, like the powers of that sovereignty itself, limited, and confined to the national territory. For the Executive power of one nation to accredit and receive a Minister, as a resident minister at its own Court, and in its own territory, and, at the same time, to authorize and empower such Minister, *thereby*, to reside at any other court, or in any other country, would be nothing short of direct usurpation in the Executive doing it : for, to accredit and receive a public Minister, is one of the highest exercises of sovereignty, and, therefore, whenever the Executive of one nation does accredit and receive a Minister, to reside in the territory of another nation, such Executive does exercise one of the highest acts of sovereignty over that nation. This would be usurpation.

Before gentlemen contend, that this power of accrediting and receiving *non resident Ministers* belongs to sovereignties, they must shew some warrant for it from the laws of nations. Do they contend, that the right of embassy is derived from the law of nature, and not from the convention and agreement of nations ; and that, therefore, one sovereign might, by the laws of nature, receive Ambassadors from another, and by endorsing their credentials, authorize them to pass into the territories of any other nations ? It is admitted that Heralds, Envoys, and Ambassadors were sent, and received, and respected, between armies and armies, nations and nations, by virtue of the law of nature, I presume ; for this was certainly done both in Asia and Europe, before any such code as the law of nations existed in the world. These Ministers

derived their powers, and protection, from the necessity of the case, and were compelled to go right forward on the errand for which they were sent ; and when that was finished, to return in the most direct route. These principles, as the historian of Cortez tells us, were found by the Spaniards to exist in Mexico. For the Envoys, sent by him to Montezuma, were protected while they kept directly on their journey, and in the highway ; but if they left that path, they forfeited all protection. Even these necessary messengers of war, or peace, of congratulation, or alliance, between sovereignties, could receive no powers, either from those who sent them, or from those to whom they were sent, to sojourn for any purpose in any other country ; nor were they permitted to tarry, either in the place where their business was to be done, after that was finished, or to loiter on their way home. This power of non residence, therefore, was wholly unknown to the intercourse of nations, derived from the laws of nature.

Resident Ministers do not derive their powers from the laws of nature. For surely that could never require any community to permit the citizens of any other community, to come and reside in their territory, unless they become subjected to their laws and jurisdiction. Accordingly, we find such Ministers were unknown in Europe, until the 16th century. Ward, in that part of his history and foundation of the law of nations, which relates to the 16th and 17th centuries, says :

“ Within this period, among the States of Europe, began that remarkable and characteristic custom, of entertaining *Ordinary* or *Resident Embassies* at one another's Courts : an institution peculiar to themselves, and particularly evincive of those many distinctions which there are between their Law of Nations, and that of other sets of people.”

“ Ambassadors in *Ordinary* have been attributed by some to Ferdinand the Catholic, whose policy led him to entertain them at various courts, as a kind of honorable spies : by others, with no small probability, to an imitation of the Pope, who had long been in the habit of sending Nuncios to reside at various courts in the service of religion. But, whatever was their origin, the Jurists seem to agree that they are not of natural right ; and, however universal they may since have grown, doubts, about the period before us, were apparently entertained of their utility. Henry IV. of France, while King of Navarre, entertained none at other Courts ; and Henry VII. ‘ that wise and politique King,’ says Lord Coke, ‘ would not in all his time suffer Leiger, [residence of] Ambassadors of any foreign King, or Prince, within his realm, nor he with them ; but upon occasion used Ambassadors.’” So late as 1660, a member of the Polish Diet, asserted, that the Ambassador of France had no

use of residence there, and that as he did not return home, according to the custom of Ambassadors, he ought to be considered as a spy. Two years afterwards, the Deputies proposed very warmly to send home all Ambassadors whatsoever, and to make a law regulating the time of their stay; and even the Dutch, who, one would imagine, had greater reason than the Polish nobles for encouraging an intercourse with foreigners, debated in 1651, how far this sort of embassy was of any advantage to them. The greater part of nations, however, have now admitted their necessity; and though at the commencement of the period before us, men had affixed no precise ideas to what was considered as a novelty, and even now the admission of these embassies cannot be demanded as a matter of law, yet the custom is so general, and they are considered as so much of course, that the friendship of States can hardly be maintained without them. Not to send them therefore has been sometimes regarded as an affront."

The right to send, and the power to accredit and receive resident Ministers at any Court, being matter of convention and agreement among nations, it will be found that all the causes which have conspired to produce that agreement, do unite in excluding the very idea of accrediting and receiving *non resident* Ministers. Nay, sir, so unwilling have nations been to enter into any agreement, that one sovereignty shall have power to accredit and receive Ministers to RESIDE in the territory of *any* other, that they have not yet agreed to protect Ambassadors, while *passing through their territories* in going to, or returning from the place of their mission. Ward, and the authorities quoted by him, notwithstanding Vattel is of a different opinion, do establish this doctrine.

"I cannot quit this interesting and remarkable subject without observing, that the privileges in question have been carried by some to an extent even greater than that which we have been examining. In the treatise of Vattel, we find the following positions: That although the sovereign to whom an Ambassador is addressed, is particularly called upon to protect him in his privileges; yet that the same duty extends to other sovereigns to whom he is not addressed, but through whose country he is obliged to pass for the purposes of his mission. To insult him, says Vattel, is to affront his master and his whole nation; to arrest him, or to offer violence to his person, is to wound the rights of embassies which belong to every sovereign.

"This doctrine arises out of some considerations upon the case of Rincon and Fregoze, Ambassadors of Francis I. of France, the one to the Porte, the other to Venice. These Ministers passing down the Po in their passage, and being suspected of bearing dispatches prejudicial to the interests of the Emperor Charles V. were set upon and murdered, apparently by the orders of the Governor of Milan. But the Emperor,

although at that time at peace with Francis, appears not to have been inclined to punish the authors of the murder. Upon this transaction, Vattel observes, that it was an atrocious attempt against the Law of Nations; that Francis had not only a very just cause for war against the Emperor, but also to demand the assistance of all other nations in its support. For it was an affair, not of two individuals, who each of them supposed they had right on their side; but of all States whatsoever, who were interested in maintaining the rights of Embassy.

"It perhaps does not fall exactly within the scope of this treatise, to examine whether this opinion is really law as it is received at present. But we may venture to observe, that in this position, Vattel stands sole. At least all the authors on the Law of Nations who have preceded him, after discussing the point at length, have come to a conclusion directly the reverse of his; and that which they have concluded, is supported by a great variety of cases, both of an ancient and a recent date. Thus Albericus Gentilis, upon this very case of Rincon and Fregoze, observes merely '*Probrosum id Carolo fuisset.*' Sed alia Questio est, adds Bynkershoek, *de jure Legationis, alia de jure honestatis.* Grotius, who followed Gentilis, after having given his opinions at length upon the inviolability of Ambassadors, says expressly, that it is only to be understood to be binding on those sovereigns to whom they are sent, '*Non pertinet ergo hæc Lex ad eos per quorum fines, non accepta venia, transeunt legati.*' It is true, the *non accepta venia*, may be made by some to amount to an inviolability, provided they have passports. But it may be fairly questioned, whether the possession of a passport itself, can confer any thing more, than the common protection to which common aliens have a right. Bynkershoek at least, without taking notice of passports at all, understands Grotius to mean, generally, that the privilege in question shall not have place in countries to which Ambassadors are not addressed. Of this opinion also, were Zouch, Wicquefort, who has been deemed the very champion of the rights of Ambassadors, and who decides that the case of Rincon and Fregoze, though an atrocious murder, was not a violation of the Law of Nations, as to Embassies; Huber, and lastly, Bynkershoek, who had particular occasion to examine the point, but a short time before Vattel. The subject came before the latter in considering the meaning of the passage, which formed part of a declaration of the States General in favor of the inviolability of Ambassadors; and the difficulty was, to know whether the word '*Passerende,*' was applicable to Ambassadors to other powers, passing through Holland, or confined simply to those addressed to the States, coming, residing, and passing away, or retiring. To solve this difficulty, he inquired into the opinions of the jurists concerning the point in discussion, and determined that it applied solely to Ambassadors who were addressed to the State."

"Selim II. in the 16th century, being at peace with Venice, but meditating war, sent a Minister to the King of France to know his sentiments of it. He endeavored to pass through

Venice, but was arrested, and the French Ambassador there, and the King himself, claimed his liberty as addressed to them. But they were forced to yield to the arguments of the Republic ; ' that a sovereign power need not recognise a public Minister as such, unless it is to him that his credentials are addressed.' "

" In 1572, Elizabeth, of England, having reason to be jealous of the machinations of the French in Scotland, arrested all Frenchmen passing through the kingdom to that country without passport. Among these was Du Croc, the French Ambassador to Scotland, and his Court complained loudly of this as a violation of the Law of Nations. But Walsingham, the Secretary, pleaded, that it was Du Croc's own fault for not taking a passport, he might justly be detained, and with this plea the French were content, notwithstanding his quality of Ambassador. "

Sir, what is the mission *invented* in this case by Mr. Secretary Van Buren ; and what the diplomatic character of the Minister now under consideration ? This gentleman was, by order of the Executive, carried out from Norfolk to Russia in a national ship, with every circumstance of high respect, and at a cost of not less than \$ 40,000 for his passage. He arrived at St. Petersburg ; was presented to his Imperial Majesty the Emperor of Russia ; exhibited his credentials ; was accredited as Envoy Extraordinary and Minister Plenipotentiary of the United States at that Court ; retired and took his departure from the Russian territories, all in the short space of ten days. It is contended by gentlemen, who support this appropriation, that he is our Minister. If so, he must be our Minister *non resident* at the Court of Petersburg ; for it is too much to say, that stopping 10 days at that city, would make him, in legal acceptation, *resident* there, but that six months *residence* in England will not render him legally a *non resident* at Petersburg. If, then, he can be our Minister at all, he must be our *non resident* Minister. He has been sent to St. Petersburg, to be accredited there by his Imperial Majesty ; and by force of being *thus accredited*, we are gravely told by the Secretary of State, that he has acquired the rights, and powers of a Minister of the United States, *wherever* he may *choose* to reside. Sir, will nations admit this kind of *non resident*, this *migratory* mission, this *diplomatic gossiping* ? This doctrine of "*non locality*," so essential in the Secretary's constitutional creed, to the existence of a *national road*, he will find does not belong to the character of a *resident* public Minister, and really has *no place* among nations, *out* of the Cabinet, so adroitly conducted by himself.

If gentlemen still contend that Mr. Randolph is our Envoy Extraordinary, and Minister Plenipotentiary NON RESIDENT at the Court of St. Petersburg, they must contend, that *wheresoever* he does reside, he is still vested with the *high diplomatic qualities and attributes*, which, by the laws of nations, belong to such a public Minister. What are these? They are comprehended in two very expressive words; *personal inviolability*. Not only are his person and effects exempted from all legal diligence, but whoever shall treat him with insult, or disrespect, is liable to be punished. A public Minister cannot be sued for a contract, or a trespass; he cannot be prosecuted for a felony. If he commit homicide, with every circumstance of malice, or conspire with traitors to overthrow the Government to which he is sent, he can neither be punished nor prosecuted, nor even questioned, concerning these crimes. Vattel asserts:

“The necessity and right of embassies being established, (See Chap. V. of this book) the perfect security, the inviolability of Ambassadors, and other Ministers is a certain consequence of it; for if their person be not defended from violence of every kind, the right of embassies becomes precarious, and success very uncertain. A right to the end is a right to the necessary means. Embassies then being of such great importance in the universal society of nations, and so necessary to their common well being, the person of Ministers charged with this embassy is to be sacred and inviolable among all nations (See Book II. § 218.) Whoever offers any violence to an Ambassador, or any other public Minister, not only injures the sovereign whom this Minister represents, but he also hurts the common safety and well being of nations; he becomes guilty of an atrocious crime towards the whole world.”

This doctrine is further confirmed:

“In fine, if an Ambassador could be indicted for common trespasses, be criminally prosecuted, taken into custody, punished; if he might be sued in civil cases, the consequence will often be, that he will want the power, leisure, or freedom of mind, which his master's affairs require. How will the dignity of the representation be supported in such a subjection? From all these reasons it is impossible to conceive, that the Prince, in sending an Ambassador, or any other Minister, intends to submit him to the authority of a Foreign Power. This is a fresh reason, which fixes the independency of a public Minister. If it cannot be reasonably presumed that his master means to submit him to the authority of a sovereign, to whom he is sent, this sovereign, in receiving the Minister, consents to admit him on the footing of independency. And thus there subsists between the two Princes a passive convention, giving a new force to the natural obligation.”

In 1567, Leslie, Bishop of Ross, came to the Court of Elizabeth, as Ambassador of Mary, Queen of Scots, who was then detained a prisoner by her royal cousin. This man, in taking care of the concerns of Mary, conspired with certain English noblemen to depose Elizabeth, and place Mary on the throne of England. The plot was discovered. The Duke of Norfolk and others were executed for treason ; but, tho' Elizabeth dared afterwards to steep her hands in the blood of her royal captive, and thereby to violate all other laws, human and divine, she dared not violate the laws of nations, by punishing the Ambassador of the unfortunate Queen of Scotland. In 1584, Mendoza, the Spanish Ambassador in England, conspired to dethrone the Queen, by introducing foreign troops into the country. This conspiracy being discovered, the Court of Elizabeth took the opinions, as Ward tells us, of the celebrated Albericus Gentilis, then in England, and of Hottoman in France, another great civilian, concerning the manner of proceeding against Mendoza. "They both asserted that an Ambassador, though a conspirator, could not be put to death ; but must be remanded to his principal for punishment. In consequence of this, Mendoza was simply ordered to depart the realm ; and a commission sent to Spain to prefer a complaint against him."

Three years afterwards, L'Aubaspine, the French Ambassador, in his devotion to Mary, conspired not only to dethrone, but to assassinate Elizabeth. He actually hired a ruffian, from Newgate, to perform this deed of atrocity. Some disagreement concerning the means to be used induced delay in the execution, and led to a discovery. — When the Ambassador was called upon for examination, he replied, "I will hear no accusation to the prejudice of the privileges of ambassadors ;" and, though Lord Burleigh reproached him for his turpitude, yet the English Court never thought of trying him for treason." — Ward 314-15.

Sir, such are the high and distinguishing attributes and characteristics of "ambassadors and other public ministers," under the laws of nations. These immunities and privileges belong to Mr. Randolph, if he be the Envoy Extraordinary and Minister Plenipotentiary of the United States, resident *at* the Court of his Imperial Majesty the Emperor of Russia, or in any part of his territory. We know, however, that he is *non-resident* there ; and are we prepared to say, that, if he acquired these immunities by his visit to that court, and his being accredited there, he *now carries* them with him wherever he may make it *his pleasure to sojourn* ? If he be a public mini-

ter, he has these immunities ; if he be without them, then, is he no public minister. What lawyer in this House, or nation, or indeed in the civilized world, would pledge his character upon the allegation that John Randolph might, like the Bishop of Ross, Mendoza, and L'Aubaspine, join a conspiracy to dethrone and assassinate the sovereign of England ; and, like them, when questioned for the treason, *allege* his *immunities* as public minister, and *refuse* to "hear any accusation to the prejudice of the privileges of ambassadors?" Sir, the absurdity is too enormous to be entertained by any man of sane mind and ordinary understanding. If, then, he have not these immunities, he is not a public minister of the United States ; and it is a *mockery* of the nation to *call* on their Representatives to *appropriate* money for the payment of his salary.

We are not to suppose that a public minister, because he is exempted from legal process in the country to which he is sent, is, therefore, not amenable to any laws whatever, for any part of his conduct. He is not within the legal jurisdiction of the country where he is accredited, although at the capital and court of the sovereign, and protected by his whole civil and military power ; but he carries with him the jurisdiction of his own country ; and it is because he is, by force of the laws of nations, within the jurisdiction of his own country, that he cannot be within that of the country where he is accredited and received as a public minister. Those who travel the ocean in your fleets of ships and vessels, either the mercantile or naval, though their "home seems to be on the deep," yet, by force of law, are they within the body of the country, and district of our country, from which they departed on the voyage, or to which they may return, when that is finished. Their contracts or trespasses, or crimes, though done on the deep sea, in the most distant ocean, yet are within the legal jurisdiction of their country. In like manner, your public ministers, to whatever court you send them, and wherever they are accredited, carry with them, and are there surrounded by, the jurisdiction of the United States. The highest officer of justice in the country, where they are received, when he steps over the threshold of their house, becomes, as in the District of Columbia, an ordinary citizen ; and the imperial state warrant in his pocket is whitened into blank paper, and can no more be executed by him *there* on a public minister, than if he stood on this floor with the same warrant in his hand, he could, by virtue of it, arrest me or you, Mr Speaker.

I have not spoken without authorities on this subject. Ward tells us, page 297 :

"An Ambassador neither knows, nor submits to the laws of the country to which he is sent; he goes not on his own account, on private business, or private pleasure; but as the representative of another; as the presentation of the dignity, privileges, power, and rights which others would enjoy, had they continued within their own precincts. And thus, by consent, and a sense of mutual advantage, he is allowed to represent and personify, if I may so call it, all these high privileges in the very bosom of another community, for the sake of transacting better the whole business, of the world."

Vattel says, page 548:

"But it is not on account of the sacredness of their person that ambassadors cannot be sued; it is because they do not depend on the jurisdiction of the country whither they are sent; and the solid reasons for this independency may be seen above (92.) Let us here add, that it is entirely proper, and even necessary, that an ambassador should not be liable to any juridical prosecution, even for a civil cause, that he may not be disturbed in the exercise of his functions."

He further tells us, page 554:

"The independency of the ambassador would be very imperfect, and his security weakly founded, did not the house in which he lives enjoy an entire exemption, so as to be inaccessible to the ordinary officers of justice. The ambassador might be disturbed under a thousand pretences: his secrets might be discovered by searching his papers, and his person exposed to insults. Thus all the reasons which establish his independence and inviolability, concur likewise to secure the freedom of his house."

This independence and exemption from foreign jurisdiction belongs to the public functionary, not to the man; is given for the public, and not for his own benefit; and, therefore, cannot be laid aside, even so far as to become a party in a suit, while he continues to be a minister, without the consent of his master. To this effect, Vattel says, page 549:

"But if the ambassador will partly recede from his independency, and subject himself in civil affairs to the jurisdiction of the country, he unquestionably may, provided it be done with his master's consent. But without such a consent the ambassador has no right to waive privileges in which the dignity and service of his sovereign are concerned; which are founded on the master's rights, and made for his advantage, and not for that of the minister."

Has Mr. Randolph carried the jurisdiction of the United States with him into England; and does that jurisdiction now surround him as it does each one of us, and exclude from his person, his effects, and his house, all English jurisdiction? The case of the Russian Ambassador in England is in point. It happened in the time of Queen

Anne, 1707. The Russian Ambassador at her Court was arrested in the street for debt, taken out of his coach, and carried by the tipstaff to a common spunging house, and detained there until he was bailed by the Earl of Feversham. By the laws of England, these proceedings against the Ambassador were void, but no adequate punishment had been by law provided for such offenders. Ward tells us on this subject, page 299-300-301, that on this occasion the statute 7 Ann. c. 12, was enacted ; that

“ The preamble, however, having merely observed, that the Muscovite Ambassador had been taken out of his coach by violence, in contempt of the protection granted by her Majesty, without taking notice of the breach of the Law of Nations, “ which is superior and antecedent to all municipal laws ; ” the foreign ministers in London met again together, and procured the addition of these words, ‘ Contrary to the law of nations, and in prejudice of the rights and privileges which Ambassadors, and other public Ministers, authorized and received as such, have at all times been thereby possessed of, and which ought to be kept sacred and inviolable.’ With this act of Parliament elegantly engrossed, and an apology for not being able to punish the persons of those who had affronted his Minister, the Czar, who had first insisted upon their deaths, was at length induced to be content ; and thus ended this delicate affair.”

Should Mr. Randolph, like the Russian Minister at the Court of Queen Anne, be arrested for debt, and carried to a spunging house for lack of bail, could he claim protection as an Envoy Extraordinary and Minister Plenipotentiary of the United States ? Sir, that statute was provided for those “ MINISTERS WHO WERE AUTHORIZED AND RECEIVED AS SUCH,” not in *other* countries, but in *England*. This gentleman can take no protection under it. He has abandoned the jurisdiction of the United States for that of England, the high immunities and labors of a public minister, for the comforts and retirement of a private gentleman, in some farm house, or inconsiderable inn in the county of Suffolk. The American arms and ensign he has either never placed over the door, or he has ordered them pulled down, and thrown into the garret.— Who can point out the place to the American citizen where the American Envoy Extraordinary and Minister Plenipotentiary, *non-resident at* Russia, may now be found ? Will gentlemen further contend, that by some new fiction of diplomatic law he is still our Minister, and that we are bound, in behalf of the nation, to make this appropriation for his salary ?

There is another view of this part of the question, which truth and justice do not permit me to pass by in silence. Let the admission be made, for the purpose of the argu-

ment, that such a minister may, by the laws of nations, be accredited and received by a foreign power. If so, he must have been nominated and appointed as a minister of that character. Any sovereign State may send abroad, and have received, several different kinds of public ministers. The first in rank is the Ambassador. He is not only a mandatory, as all others are, but he is also the Representative of the sovereignty which sends him; and in the presence of the sovereign receiving, he stands, as one king does in the presence of another, without uncovering his head. The Envoy is another grade of minister; and is charged with the *doing of some particular act*, which, when he has finished, he returns home. Resident Ministers are in rank below Envoys, and are charged with such relations of their Governments where they reside, as require the *constant attention* of some mandatory or agent for their care and supervision. The Envoy Extraordinary and Minister Plenipotentiary is a high mandatory, empowered to do whatever may be done by any other minister, except the *representation of the sovereignty*, which has sent him abroad. He is inferior in rank to none but the Ambassador. Commissioners are sent out on special agencies, and are received and accredited as ministers of an inferior grade. The Chargé d'Affaires is accredited as such; and takes the *duties* though not the *rank* of Resident Minister.

If, sir, in addition to all these, foreign courts could *accredit and receive non resident Ministers*, or such as might *reside*, either *at* such courts, or *wherever else* they might choose, and *continue to be Ministers wherever* they might go or *reside*; then is it not manifest that they must have been *designated as Ministers of this character*, both in their *appointment* and in their *commission*? The nomination made by the President to the Senate, is the foundation of the mission; and it must fully set forth the name of the man to be sent, the *place* to which he is to be sent, the *purpose* for which he is sent, and the *ministerial character* of him who is to be sent. Without all these, how can the Senate advise and consent to his appointment? Accordingly we find that the President made this nomination with all these distinguishing characteristics.

"Tuesday, May 25, 1830.—The following message was received from the President of the United States, by Mr. Donelson, his Secretary:

"To the Senate of the United States: Gentlemen: I nominate John Randolph, of Roanoke, Virginia, to be Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of his Imperial Majesty, the Emperor of Russia, in the place of Henry Middleton, of South Carolina, recalled."

Was this man nominated to be Minister AT the Court of his Imperial Majesty, the Emperor of Russia, and ELSEWHERE? No, sir, it was *at*, in *place* of Mr. Middleton; and *at* that place *only*. If, therefore, a *non-resident* minister could, by the laws of nations, be sent abroad, or could have been advised and consented to by the Senate, Mr. Randolph could not have been so sent, for he was not so nominated. Did the Senate advise or consent to this gentleman's appointment to any other ministerial office than that to which he was nominated? Let the record answer:

"The Senate proceeded to consider the message nominating John Randolph to office; and

"Resolved, That they do advise and consent to the appointment of John Randolph, agreeably to his nomination."

If the President shall, by and with the advice and consent of the Senate, appoint public ministers, then the appointment of this man could not *differ* from the nomination made by the President, and the advice and consent thereupon had and given by the Senate. If, then, he *might* have been *accredited* and *received* at the Court of his Imperial Majesty, the Emperor of Russia, as a *non-resident minister*, he could not have been *so sent*, for he was not *so appointed*.

After this gentleman had been nominated, confirmed, and appointed Envoy Extraordinary and Minister Plenipotentiary *at* the Court of his Imperial Majesty the Emperor of Russia, could his *commission differ* from his appointment? Could the Secretary of State, *from this record*, make out and deliver to him a commission as *Ambassador*, and thus send this *peculiar* gentleman to the most splendid Court in Europe, to *represent the entire sovereignty* of these United States; an office of *honor and high dignity* which has *never hitherto* been, by this Government, conferred on any of those *talented and highly accomplished* statesmen, who, as public Ministers, have gone abroad from this country? If by the laws of nations, a *non-resident* Minister could be received by a foreign Power, could this gentleman under this *appointment*, receive the *commission*, and enjoy the immunities of such a Minister? Appointed Minister *at* the Russian Court, could he, *honestly*, and according to the record, have been commissioned *at* that Court and *elsewhere*? I beg leave to read the formula in like cases, (1 Vol. Lym.) addressed by the Secretary of State to the appointed Minister. "Sir, with this letter (among other things) you will receive, 1st, a commission as Envoy Extraordinary and Minister Plenipotentiary. 2. A letter of credence to

the King. 3. A passport for yourself and family." Has the Secretary given him such a commission? Beyond question, he has given it. This is not all. He tells us in the message, under the name of the President, that he has *also given him a commission at the Court of his Imperial Majesty, and elsewhere.* If this be true, and Mr. Randolph is now *travelling or sojourning* under it, he has abandoned the appointment made by the President, under advisement of the Senate; and has ceased to be Minister of the United States *at that Court*; and, if he be a Minister at all, he is a Minister *elsewhere*; and as such, is literally the Envoy Extraordinary and Minister Plenipotentiary of the *Secretary*, not of the President, and Senate, or of the nation.

The same difficulties must have attended this mission at the Russian Court. The credentials given to Mr. Randolph, must shew his ministerial *character*; and in *that* character alone could he have been *received* by the Emperor. So we are told by Vattel, p. 523—

'Among the several characters established by custom, it is in the sovereign's choice with which he will invest his minister; and the *character* of the minister is made known in the credentials which he delivers to the *sovereign* to whom he is sent. Letters of *credence* are the instruments which authorize and establish the minister in his character with the prince to whom they are addressed. If this *prince receives* the minister, he can receive him only in the quality attributed to him in his credentials. They are as it were his general letter of attorney, his *mandate patent, mandatum nifestum.*'

Had this gentleman two sets of credentials, two commissions, and did he exhibit them both to the Emperor? Did he, in fact, tell his Majesty, "Your summer is too hot; your winter will be too cold. The fur which has warmed a bear, may warm a Russian monarch, but it can never warm me. My constitution is worn out in the public service. *I shall be sick—I am sick. I must reside elsewhere, any where, in England, in France; in a more genial climate than that of your majesty's capital.*" It is too much to be supposed, even of Mr. Randolph. He presented his *AT* credentials and commission. His *ELSEWHERE* credentials and commission were retained for use when he should arrive, I know not where, but certainly *elsewhere.*

Sir, our law has been evaded; the Constitution has been evaded; the laws of nations have been evaded.

the President, the Senate, and our imperial Friend, have been deceived ; and the Minister himself, suffering himself to be made a *party* to this *imposition*, has fallen into the *devices* of the Secretary ; has been by him *got out* of the country on a mission, *illegal, void, and nugatory* ; and is now, the deplorable dupe of *State artifice*, cruising about Europe, like some *contraband trader*, under a *double* commission, and with *two* sets of papers.

Will it be contended by the supporters of this appropriation, that this gentlemen will, after months of recess from the public service at the Russian Court, return thither, and by years of efficient labor, efface all memory of this interval of idleness and neglect ? What cause, sir, have we to believe he will ever return to St. Petersburg ? Observe what has the Secretary told us in the Message : *If, as it is to be hoped*, the improvement of his health should be *such as to justify* him in *doing so*, he will *repair* to St. Petersburg, and *resume* the discharge of his official duties." This does not affirm that he will return ; it affirms that " it is to be *hoped* he *may* be *well* enough to *do so*." According to the Message, a want of health took him away from that Court. Different reasons were given for those facts, by the official papers. By the *Richmond Official* the *summer heat* compelled his departure ; by the *Official in this City*, the approaching *cold* of the then *coming winter* drove him to seek a more genial climate. In Russia summer is said to burst from the frozen bosom of winter, like a sheet of flame from Mount Hecla ; and to spread its warming, blazing, burning influence *at once* over the whole region. At times, so intense is the temperature, that the pine forests take fire from the heat of the atmosphere. I have read a Russian traveller, who says vegetation is *so rapid*, that, on a soil thawed not more than one foot deep, the ground is plowed, the wheat sown, grown, ripened and harvested in *six weeks*. Winter comes on the country as summer came, extinguishing *at once* the heat of the air and earth, by throwing down and spreading out one vast sheet of snow, from Cronstadt to Kamtschatka. The genial and joyous airs of Spring, the sober and gladsome sunshines and shades of Autumn, known under the *Italian* skies of Virginia, have *never* visited, and never can visit a Russian climate. Unless, therefore, this gentleman can visit Russia in Summer, when he has been compelled to leave it ; or in Winter, when he dares not approach it, he cannot return again to St. Petersburg. What reason had the Secretary for the hopes, expressed in the Message, that the *renovated* health of Mr. Randolph, might induce him

to return? Permit me to quote from one of his speeches, delivered on this floor little more than two years ago.

‘Sir, what can the country do for me? As for power, what charm can it have for one like me? If power had been my object, I must have been less sagacious than my worst enemies have represented me to be, if I had not obtained it.’

‘Was it office? What, sir, to drudge in your laboratories in the Departments, *or be at the tail of your corps diplomatic in Europe?* (Exiled to Siberia.) Alas! sir, in my condition, *a cup of cold water would be more acceptable.* What can the country give me that I do not possess in the confidence of such constituents as no man ever had before? I can retire to my old patrimonial trees, where I may see the sun rise and set in peace.’

I shall retire upon my resources—I will go back to the bosom of my constituents.

And shall I give up them and this? And for what? For the heartless amusements and vapid pleasures and tarnished honors of this abode of splendid misery, of shabby splendor for a clerkship in the War Office, or a FOREIGN MISSION, to *dance attendance abroad instead of at home*—or even for a Department itself? Sir, thirty years make sad changes in man.

I feel that I hang to existence by a single hair—that the sword of Damocles is suspended over me.”

Will this gentleman, think you, return to Russia, hanging to existence by a single hair? Will he travel from region to region of Europe, with this sword of Damocles dangling over his head by a tie, equally *attenuated*? Never, sir, never; and if he never do return, as he most certainly never will, when does his mission end, if it did not end when he left the Russian Court? If this mission ever had a legal beginning, when, or by what acts may it be ended? Vattel has told us, page 559, that all missions end: first, when the Minister is recalled; second, when he is dismissed; third, when he has finished the business on which he was sent; and fourth, in a word, whenever he is obliged to go away, *on any account whatever*, his functions cease. By the laws of nations, which we cannot control, his mission was at an end when “*he went away*” from the Court and country, to which he was appointed and sent; and neither the *mandate* of the Secretary, nor *Congressional* enactment, can continue him a Minister *one moment* after he has, *by the laws of nations, ceased* to be one. Can we then appropriate money for the salary of such a minister? Not unless we *make ourselves par-*

ties to this imposition; and, in the name of the nation, guarantee this fraudulent diplomacy.

Gentlemen may place this salary on the ground of a *quantum meruit*, and tell us Mr. Randolph is *entitled* to receive it, and we are *bound* to make the appropriation, because he has *performed* services at Russia for which he *deserves* to have this compensation. *What* services was it *intended* he should perform; what in fact did he perform; what, in so *short* a time, *could* he perform? We are told by the honorable Chairman of the Committee on Foreign Relations, (Mr. Archer,) and no man ever doubts his candour and correctness, that Mr. Randolph did not perform what he was sent out to do. However meritorious that might be when *done*, he surely does not deserve any compensation for *not* doing it. How did this gentlemen represent, when presented at that Court, the form and body of our national character, by his appearance, his manners, conversation, and intercourse with the Imperial Family, the Court, and Foreign Ministers, then and there representing the various sovereignties of Europe and Asia? I could give the history of this ten days, this, which will, in our Russian Diplomacy, be called *the time of Randolph*; I could give it from the most authentic testimonials; not from rumour, but from the voice of honorable intelligent men, who, being there *at the time*, have since returned to this country, and from letters with which the Russian correspondence of our Atlantic cities has been crowded. All these speak but one language, express but one feeling—the irrepressible feeling of wounded and mortified patriotism. All these, instead of finding merit in this man's diplomatic achievements, look on them with unutterable anguish; and have no consolation under the gibes and jeerings of foreign Nations, but the *memory* of the *past*, when the dignified character of our Republic was *represented* in Europe by Franklin, Jay, Adams, Livingston, Jefferson, and Pinkney. Nothing, sir, but national pride has withholden this narrative from the ear of the world; for who would give a tongue to obloquy against his own country? I will, in silence, pass over the doings of this gentleman's ten days of diplomacy; nor would I have alluded to them, did not his friends draw on these *very doings* as a *fund of merit*, entitling him to this compensation. The doings of ten days! What, sir, could he do in that time? Why, in that time the *discipline* of the Russian taylor could scarcely have *reduced* the *rigid outline*, of this man into the *exterior* of diplomacy. He performed services, for his country in that brief period! Cæsar, with the Eagle wing of pu

suit, and the Lion strength of conquest, overrun Bythia, and subdued the son of the great Mithridates in a few weeks. This conqueror might, in the confidence of friendship, venture, with poetic license, to write to his associate at Rome, "*veni, vidi, vici.*" Should our Russian Envoy write the history of his *ten days*, he might, without poetry, place all, for which he can have any claim on his country, in as *few*, and *almost* the same words; *veni, vidi, abivi*, would fill up the whole *quantum meruit* of his Mission.

If it be contended, that this gentleman is entitled to a pro rata compensation for the time spent in going to Russia, and while there, as freight is apportioned and paid, when a cargo is, by casualty, transported a part only of the voyage, I am ready to agree, that *this alone* is the ground on which *any* thing whatever can be claimed. This however, will fail, if the Mission be, in its inception, *contra jus gentium*; and therefore void. If there be any part of this Mission sound and legal; if this gentleman has *believed* he was, in good faith, in the *public service*, in the name of justice let him be *paid* for all that time, although nothing was effected beneficial to the Nation. On this ground I am ready to support, though I cannot move to make any modification of the motion under consideration.

Last of all, I come to inquire, whether this salary can be *due*, because *this mission*, and the *conduct* of the Minister under it, may be *especially* beneficial to the *Secretary of State*. Was this gentleman appointed with any view, or expectation that he could render diplomatic services at the Court of Russia? Surely not. For in the first place the performance of such services required his *residence* at the Russian Court. This is evident from the nature of those services, as may be seen from reading the ordinary instructions to *all resident* Ministers: Lyman's Diplomacy, vol. 1, page 15, 16, 17:

'Among the most important general duties of a Minister of the United States in foreign countries, is that of transmitting to his government accurate information of the policy and views of the government to which he is accredited, and of the character and vicissitudes of its important relations with other European powers. To acquire this information, and particularly to discriminate between that which is authentic, and that which is spurious, requires steady and impartial observation, a free though cautious correspondence with the other Ministers of the United States abroad, and friendly, social relations with the members of the diplomatic body at the same court.

‘In your correspondence with this Department, besides the current general and particular politics of the country, where you are to reside, you will be mindful, so far as you may find it convenient, to collect and transmit information of every kind, relating to the government, finances, commerce, arts, sciences and condition of the nation, which is not already known, and may be made useful to our own country. Books of travels, containing statistical, or other information of political importance, historical works, not before in circulation, authentic maps, published by authority of the State, or distinguished by extraordinary reputation, and publications of new and useful discoveries—will always be acceptable acquisitions to this Department.’

‘Among the ordinary functions of an American Minister in Europe, is that of giving passports to citizens of the United States, who apply for them. They sometimes receive applications for such passports from the subjects of other countries; but as these are not regularly valid, they should be granted only under special circumstances, as may sometimes occur in the case of foreigners, coming to the United States.’

Do not these labors require residence at the Court of his Imperial Majesty? Look into the published Diplomatic correspondence of our former Ministers. What treasures of information! What monuments of ability, labour and diligence!

This gentleman could *not* reside at the Russian capital. Neither his health, his constitution, his age, nor the climate, would permit such residence. As well might the Secretary have plucked up one of his patrimonial oaks, and transplanted it on the banks of the Neva, with any expectation that it might take root there, and live, and flourish in the *summer heats* and *winter storms* of Russia.

So utterly out of the question was all expectation of public service from the appointment of this gentleman, that, although it must have been known such service could not be *rendered without residence*; yet he received full permission to *leave the Court and Empire* of Russia, and reside *wherever* he might choose to reside.

Mr. Randolph was, of all men, the last which a wise and judicious policy would have selected to represent the interests of our nation at the Russian Court. He had publicly expressed opinions concerning that Court and the Imperial family, *most derogatory and degrading*. Suffer me to read these opinions, from one of his speeches, published under his own *corrections* and supervisal, in Gales & Seaton’s Register of Debates, vol. 2, part 1, p. 392-3.

"Now, sir, the gentleman from North Carolina is so
 extremely unreasonable as to wish—he will bear with
 my reproof, I hope—as to wish to break the lineal suc-
 cession of *our* monarchs, and to reduce us to something
 like the barbarism of Russia, where they haven't yet
 perfected themselves in the A B C of legitimacy; a re-
 gular indefeasible succession of tyrants; although they
 claim the head of the Table of the Holy Alliance—where
 there is hardly one instance of the lineal heir succeeding
 to the throne without regicide and parricide, (which
 the case implies) from the time when Muscovy first be-
 came an European power—from the time of Peter Alex-
 iovitch, (or Alexiowitz, as I was taught in my youth to
 call him) who was the slayer of his son, and who trans-
 mitted his power to Catharine, the Livonian peasant
 girl, first his strumpet, then his Chamberlain's, then an
 Empress; whom I have heard more than once confound-
 ed with her namesake Catharine, Princess of Anhalt,
 the second of that name, who, by the murder of her
 husband, Peter 3d, usurped the throne. With some
 "variation of the mode, not of the measure," it is the
 case in this our day of Constantine Cæsar-ovitch—which
 means, I believe, Fitz-Cæsar—as it was with his father,
 Paul Petrovitch, and with *his* father, Peter, the son of
 somebody—nobody knows who—who went before Paul,
 not by the same instrument; no, sir. In the case of Pe-
 ter, the red-hot poker—the actual cauterie—supplied
 the place of the new *Pahlen-tie* of the twisted cravat—
a la Pichegru—and it was only the day after the news
 arrived of the deliverance of the world from the auto-
 cracy of Alexander the Deliverer—as well as I remem-
 ber the date—I know that it was on the 9th of Febru-
 ary—three days before the unavoidable departure of
 my colleague, that I endeavored, and, as I then thought,
 not without some show of success, to impress the Se-
 nate with the important bearing of the recent event at
 Taganrock (recent as to us) upon the new, wild, dan-
 gerous, and, as I fear, fatal policy, now, for the first
 time, if not announced, attempted to be practised upon
 by this rash and feeble Administration. Elizabeth and
 Burleigh were cautious and powerful. The Stuarts and
 the Buckinghams profligate, feeble, and rash. It was
 then that I forewarned the Senate that the red-hot poker
 of some Orloff the *Balafre*, or Orloff, the other Favo-
 RITE—(it was a regular household appointment of Ca-
 tharine la Grande ——— somewhat irregularly filled
 occasionally—a la Cossaque.) It was on that day that
 I suggested to the Senate that the poker or the bow-

‘ string of a Zuboff, or the something else of somebody
 ‘ else—some other Russian or Russian in *off*—the instru-
 ‘ ment and the mute nearest at hand in the Capræan styes
 ‘ of tyranny and lust—was ready to despatch this new
 ‘ successor of the TSARS—of the Constantines—of the
 ‘ Byzantine Cæsars.

“ But, sir, I, the common libeller of great and good
 ‘ men, did injustice to both these legitimates ; to St. Ni-
 ‘ cholas and to Cæsarovitch. I thought too ill of one of
 ‘ them, and too well of the other. I thought that Com-
 ‘ modus would “ show fight.” But, sir, let us not despair
 ‘ of the Russian. In spite of Montesquieu’s sneer, he
 ‘ “ *can feel*” for a brother, at least, even *although he be*
 ‘ *not flayed alive* ; except now and then, under the auto-
 ‘ cracy of the knout. He has not, indeed, yet learned
 ‘ “ *to make Revolutions with rose-water*”—that is the po-
 ‘ litical philosopher’s stone, which is yet in the womb of
 ‘ time, to be brought forth by some modern *Accoucher*-
 ‘ reformer. But he shows signs of capability that are
 ‘ quite encouraging. He cannot, indeed, redeem his pa-
 ‘ per, neither can the Bank of *Kentucky* redeem its pa-
 ‘ per ; but the red-hot poker is replaced by a box of
 ‘ sweet-meats—the bow-string by a medal hung around
 ‘ the neck—the badge, not of death, but of idiocy and
 ‘ cowardice. Commodus is brave no where, but in the
 ‘ arena, with kittens, and puppy dogs, and women, for
 ‘ his antagonists ; a *veritable* master Thomas Nero—see
 ‘ Hogarth’s progress of cruelty. An Ukase, backed
 ‘ by a hobby-horse, or a medal, and a box of sweet-
 ‘ meats ; *goody goodies*, as the overgrown children say,
 ‘ is the full consideration paid, had, and received, for the
 ‘ surrender of the autocratical crown of the largest Em-
 ‘ pire in the world, and some say the most powerful—of
 ‘ the proud eminence of the Umpire of Europe. How
 ‘ vastly amiable and sentimental ! A Ukase now does
 ‘ what was formerly done with a red-hot poker, or a bow-
 ‘ string ; a Ukase, with a most affectionate fraternal let-
 ‘ ter, a box of sweet-meats, a hobby-horse, or a medal—
 ‘ as we, in our barbarous slave-holding country, do some-
 ‘ times, hang a quarter of a dollar round a child’s neck
 ‘ to keep it in good humor—all *cooled*, however, with the
 ‘ blood of a few real adherents to legitimacy—in the per-
 ‘ sons of the guards of the Empire, faithful among the
 ‘ faithless—to make the charm firm and good. Would
 ‘ the gentleman from North Carolina reduce us to worse
 ‘ than this Russian barbarism ?”

This *vulgar ribaldry* was *spoken* by this man in *open*
 Senate ; the European Ministers, the Russian Minister,

were, or might have been present. The Speech, such as I have read it, was *published* in the newspapers, and was, *doubtless*, as a part of the political transactions of the United States, transmitted to the Emperor of Russia, by his Minister then in this country. After *this* who could have selected this man as an accomplished statesman, to represent this American Government at the Russian Court, with *any hope or intention* that he should, by his diplomatic services, *sustain the dignity, advance the character, or subserve the interests* of this Nation.

Permit me to offer one other reason why this man could *not* have been appointed for any *national* purpose. The *peculiarities* of his mind render him *incapable* of any public diplomatic service. The mind, like the fountain, is known by its effusions. Let me read from one of his speeches on *Executive Powers*, as published by him. (Gales & Seaton's Register, vol. 2, p. 390.)

' Having thus, sir, disburthened myself of some of the feelings that have been excited by the gallant and fearless bearing of the gentleman from North Carolina, allow me to go on and question some of his positions.

' One of them is the durability of the Constitution. With him and with Father Paul (of the Constitution of Venice) I say "*esto perpetua*:" but I do not believe it will be perpetual. I am speaking now of what Burke would call high matter. I am not speaking to the groundlings, to the tyros and junior apprentices; but to the grey-headed men of this nation, one of whom, I bless God for it, I see is now stepping forward, as he stepped forward in 1799, to save the Republic. I speak of William B. Giles. I speak to grey heads; heads grown grey, not in the "receipt of custom" at the Treasury, of the People's money; not to heads grown grey in iniquity and intrigue; not to heads grown grey in pacing Pennsylvania avenue; not grown grey in wearing out their shoes at levees; not to heads grown grey (to use the words of the immortal Miss Edgeworth, the glory and the champion of her lovely sex and wretched country) in ploughing the Four Acres. Am I understood? There is a little court, sir, of the "CASTLE" of Dublin called the Four Acres; and there, backwards and forwards, do the miserable attendants and satellites of power walk, each waiting his turn to receive the light of the great man's countenance; hoping the sunshine; dreading the cloudy brow. Spenser has well described the sweets of this life, and technically it is called ploughing the Four Acres. Now, when a certain character, in one of her incomparable novels, Sir Ulic—I have forgot his

‘name, but he was a McSycophant courtier, placeman, pensioner, and parasite—upbraided that kind, good hearted, wrong-headed old man, King Corny, with his wretched system of ploughing, the King of the Black Islands (“every inch a king”) replied, that there was one system of ploughing worse even than his : and that was ploughing the four Acres. This was a settler to the McSycophant.’

Was a mind *like this, fitted and provided, and regulated* for the labours of the Statesman and great diplomatic Minister? Sir, when this gentleman was at the zenith of his intellect and in his most lucid years, Mr. Jefferson had adjudged him unqualified for such services, as this appointment, had it been made for public purposes, called on him to perform.

Sir, if not for the public service, then he must have been appointed to preserve the *machinations* of the Secretary of State, and the administration *carried on* by him *under* the Presidential name, from the *hostility* of this ancient adversary of all former administrations. To illustrate, and confirm this *important, and deeply interesting* fact, permit me to give a *very brief* sketch of the political life of this *singular* man.

At the commencement of Washington’s administration, he was a school boy. To prove this fact, and also to lay open the very source and fountain of his bitter hostility to the next President, I will read a part of one of his speeches from Gales and Seaton’s Reg. vol. 2, p. 399—

‘Now, sir, John Quincy Adams coming into power under these inauspicious circumstances, and with these suspicious allies and connexions, has determined to become the apostle of liberty, of universal liberty, as his father was, about the time of the formation of the Constitution, known to be the apostle of monarchy. It is no secret—I was in New York when he first took his seat as Vice President, I recollect—for I was a school boy at the time, attending the lobby of Congress, when I ought to have been at school—I remember the manner in which my brother was spurned by the coachman of the then Vice President, for coming too near the arms blazoned on the scutcheon of the Vice Regal carriage. Perhaps I may have some of this old animosity rankling in my heart, coming from a race who are known never to forsake a friend or forgive a foe.’

From this, the waters of bitterness have flown in a stream, so abundantly on the *second and fifth* Presidents of the United States. To overthrow the *first* of these, this man joined himself to his great political rival.

He *grew* into hostility with Jefferson in a very few years. For he has ever been a star without beams, except of a malign and blighting influence. Suffer me to illustrate this truth by reading from his speeches:

“FEBRUARY 28th, 1806.—Mr. Clarke, of Virginia, moved to postpone until the 3d of March, Mr. Randolph’s resolution to amend the Constitution of the United States, so that all the United States’ Judges should be removed by the President on the joint resolution of both Houses of Congress. In reply to a remark made by Mr. Conrad, Mr. Randolph said, ‘He, (Mr. Conrad) belonged to a class of men which I highly respect, for the plain reason that I belong to it myself. He says the time is approaching when every man engaged in agricultural pursuits must be anxious to go home; and, therefore, he does not wish at present to act on the resolution I have laid on your table. True! but when men, be they agricultural, mechanical, or of any other profession, undertake any business, it is their duty to go through with it at every hazard. If the situation of affairs warranted it, I should be willing to adjourn for two or three months. But I never can agree to adjourn in the present perilous state of affairs, and leave the country to a blind and fortuitous destiny. I must first see something like land, some foot hold, something like certainty, instead of a political chaos without form or body. Before I consent to go home, I must see something like a safe and honorable issue to our differences with foreign powers; and I must see—I hope another thing—something like an attempt to bring the Constitution of this people back to the principles on which this administration came into power.”

On Spanish affairs—

“APRIL 5, 1806.—Mr. Randolph moved to amend the secret journal by inserting in it the message of the President of the 6th of December. In the course of his speech he said, ‘I found from a conversation with what has been considered the head of the first Executive department under the Government, that France was the great obstacle to the compromise of Spanish differences; that France would not permit Spain to come to any accommodation with us, because France wanted money, and that we must give her money. From the moment I heard that declaration, all the objections I originally had to the procedure were aggravated to the highest possible degree. I considered it a base prostration of the national character, to excite one nation by money to bully another nation out of its property, and from that

‘moment, and to the last moment of my life, my confidence in the principles of the man entertaining those sentiments died, never to live again.’

Whence this hostility? Had he become a federalist, and set himself to rebuilding the fabric which, as we are told, he had overthrown? Not so; for rebuilding he had no genius, no taste. The cause of his opposition was well known in those days; nor can any one doubt, that a *knowledge* of it has come down to the present Secretary of State.

When Mr. Madison came into the Presidency, Mr. Randolph, if not *with* him, was not *against* him. His love of change, or of opposition, or some private political grief, did, in 1811–12, bring out this statesman of Roanoke in bitter hostility to this third President. The last war was the great distinguishing characteristic of Mr. Madison’s administration. On the 20th of November, 1811, the Committee of Foreign Relations reported on that subject; and recommended to the consideration of Congress six resolutions. The first was to fill up the ranks of the then existing army. The second recommended the raising of ten thousand additional troops. By the third, the President might receive fifty thousand volunteers. The fourth gave power to the President to call out the militia. Ships of war were to be put in service by the fifth; and the sixth authorized private vessels to arm in their own defence. When I say Mr. Randolph opposed these resolutions, I do it merely to show his hostility to the administration of Mr. Madison. I will read from Niles’ Register, vol. 1, p. 318, a small part of one of his speeches on this occasion, to shew not only this hostility, but also to illustrate the contempt which he has ever felt for military men and measures:

‘No sooner was the report laid on the table, than the vultures were flocking round their prey, the carcass of a great military establishment—men of tainted reputation, of broken fortune (if they ever had any) and of battered constitutions, “choice spirits, tired of the dull pursuits of civil life” were seeking after agencies and commissions; willing to dose in gross stupidity over the public fire; to light the public candle at both ends. Honorable men undoubtedly there were, ready to serve their country, but what man of spirit or self respect, would accept a commission in the present army?’

Sir, let me not be misunderstood. I am stating historic facts; Mr. Randolph’s hostility to the then administration; not my own opinion of that war, or of his opposition to it. Had I been here at the time, I might have joined

in that opposition ; for the Representatives from Rhode Island both opposed these resolutions ; nor do I recollect that the People of that State ever censured them for that opposition. We might go through the whole congressional record, and we should find Mr. Randolph, at all subsequent times, equally hostile to the administration of Mr. Madison.

When Mr. Monroe came into the Presidency, Mr. Randolph was his advocate and supporter. In the last year (1824-5) of his administration, he had changed fronts. For at that time it was one of his common sayings, "*Mr. Monroe came into power by universal consent; and he would go out with equal unanimity.*" I will read from Gales and Seaton's Register, vol. 2, p. 405, what he said in the Senate (1826) concerning this venerated patriot statesman : "*We (said he) altered the Constitution to guard against that scoundrel—I will not read the name of the man ; though he may have sinned, yet has he also immeasurably suffered—though not greater than him who, after the event, formed the union of honest men of all parties.*" Who, sir, was the man said to have united the honest men of all parties ? James Monroe. Such a coalition might be sure of John Randolph for an adversary.

Was Mr. Van Buren ignorant of all these traits in the character of this man ? He knew them well. He knew more ; he was fully aware that no person on earth could be more *hostile to military men*, than this same Mr. John Randolph. In confirmation of this, I will read an extract from one of his speeches :

"I own a natural jealousy of military men—it grows out
 ' of love of country—it is strengthened and kept alive by
 ' the multitude of examples in history, ancient and modern, of the fall of Empires and the revolution of States;
 ' the misery and wretchedness brought upon the human
 ' race by the ambition and pride of *military men.*" Vide Speech against Gen. Wilkinson.

"I am willing to give to every man a just and reasonable reward for his public services, both in pay and gratitude ; but the military character is so rarely satisfied
 ' with any thing less than direct worship, that I am of
 ' opinion—I always was of the opinion, we could not be
 ' too watchful of the *aspiring ambition of a military commander.*"—Same Speech.

No man in the nation was more adverse to Gen. Jackson's election to the Presidency than Mr. Randolph was in 1822. In that year, he said in his letter to the people of Charlotte—"The election of Gen. Jackson to the Presidency is not to be dreaded, AS IT CAN IN NO

'EVENT POSSIBLY OCCUR: the people of the United States have not yet become so corrupted as to choose a man of *military* talents to govern the national councils, in opposition to the splendid talents of Mr. Crawford, or indeed of any other good man in the country.'—See *letter to the people of Charlotte*, 1822.

The advancement of Mr. Adams to the last Presidency, awakened all his animosity against that gentleman and his venerated father. He, therefore, attached himself to the party of General Jackson, and especially to that gentleman; not from esteem, respect, or friendship—not from his qualities as a man, a hero, or a statesman; but as the *only instrument* by which he could exclude Mr. Adams from a second presidential term.

"Party, like calamity, brings men into company with strange bed-fellows." Mr. Randolph soon found himself unpleasantly lodged; and before the middle of February 1829, he said emphatically "*I do not attend the Inauguration; mark that, Sir!*" He left the city before that event; but not until, as rumor, the *untiring herald of distinguished* personages announced, that he had delivered his ominous prediction. What was it? *Never, sir, never will the American purple again fall on the shoulders of a gentleman.*"

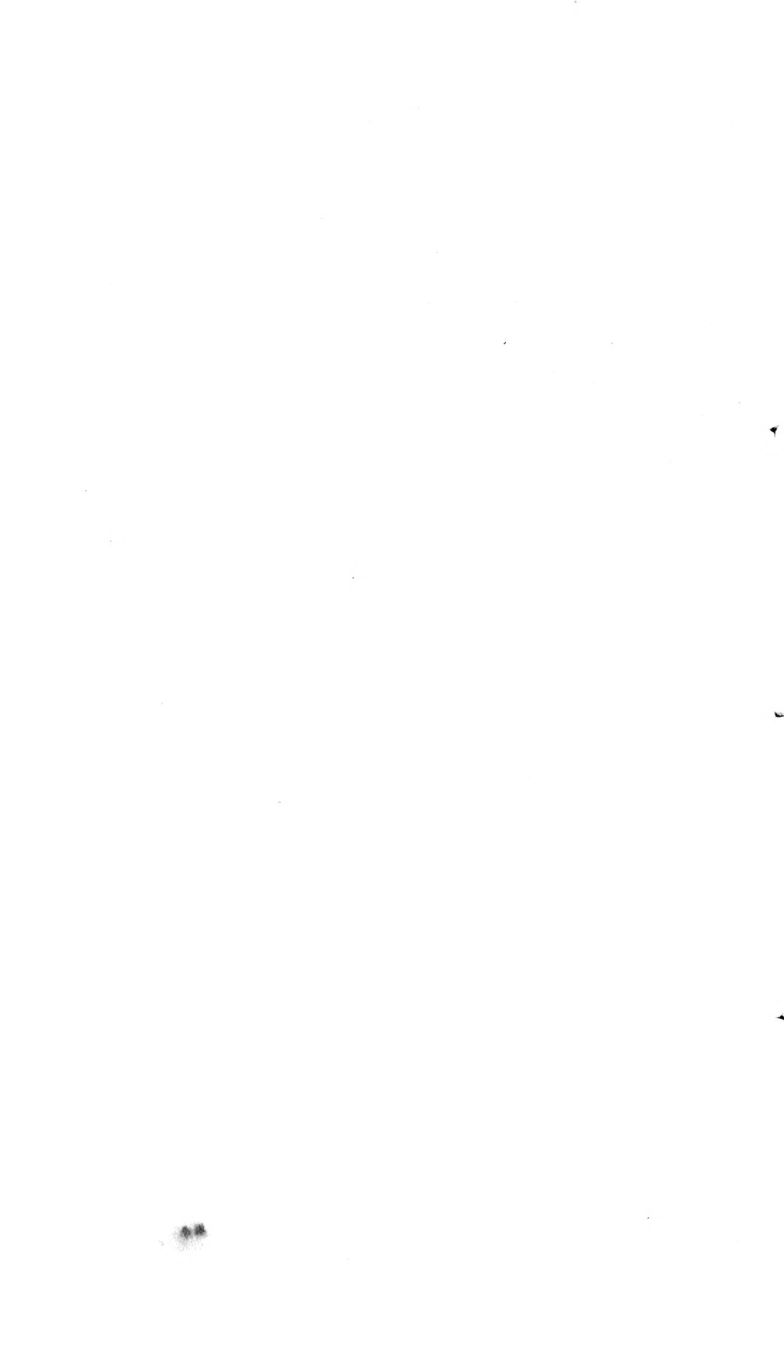
I do not pretend to say, that the Secretary regarded this prediction as literally excluding him from the succession; but could he quietly manage his "state affairs" while such a man was at Roanoke, or in Virginia, or even in the United States? Sooner, sir, would the *fox creep* into the farm yard in the *day time*, or *curl himself down to sleep* in his lair, while he *snuffed* the huntsman or *heard* the hounds in the *south-west breeze* of the morning. Did he not quiver at the mere name of this WARWICK, this King killer, and King maker; this John Randolph, who had set up Presidents, as boys set up nine pins, to knock them down again? Such a man, the Secretary knew, could not be, for he never had been quiet under any administration. He had not been satisfied with the administration of Jefferson, of Madison, of Monroe; could he be *satisfied* with *this* — God only knows *whose* administration it is.

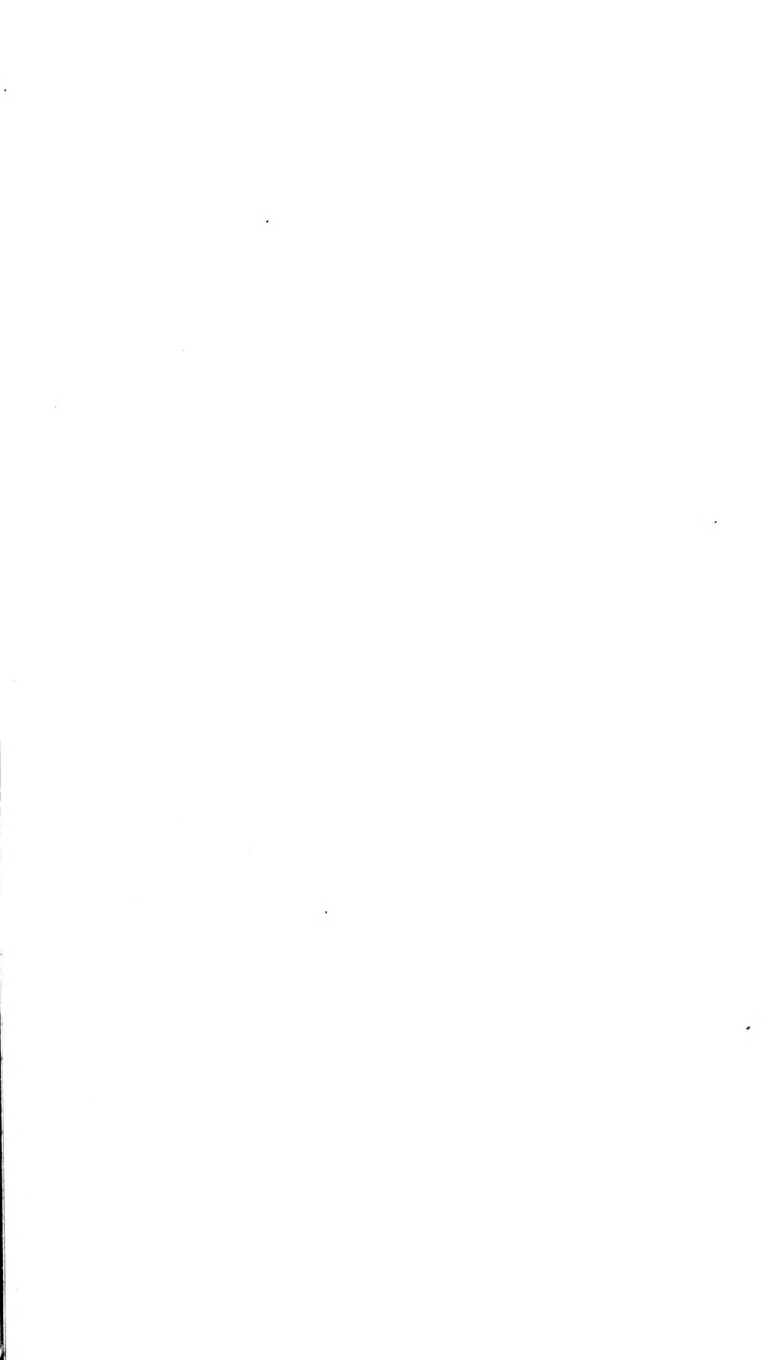
Sir, the Secretary has waylaid, entrapt, caught, exported, exiled, and sent this man TO PLOUGH THE FOUR ACRES, at a distance of 4,000 miles from his own patrimonial fields and trees. The great object of Mr. Van Buren has been to get him out of his way—to send him abroad. As a minister, he knew he could do nothing—he expected—he intended he should do no-

thing—deserve nothing—receive nothing; but the ridicule of all other nations, the pity of his own; and the contempt of the Secretary himself and his partisans.

This heartless politician has, to render this tremendous adversary powerless at home, lured him from his independence, the boast and glory of his manhood, to an old age of foreign surveillance; to come home soiled and spattered to the very eyes in treasury dirt; to shrink into retirement and insignificance; and be like Piso, returned from the inglorious administration of his Macedonian province. Shall we, sir, in aid of these schemes of the Secretary, and to put him in a condition of quiet machination against the laws, the constitution, and the great interests of this nation, appropriate this money, and thereby legalize and sustain this measure? I trust in God we shall not. Pay the man, if you please—for going out, for coming home—send out a ship of war for him; it will add, perhaps, less than \$30,000 to the expenditure. Let him have his \$9,000 outfit—the President, it has been said, advanced it to him from his private purse—restore it to him; do not suffer ourselves to be in debt to the Chief Magistrate of the Nation. It is all a bauble, a mere child's whistle, and the people will, and must pay dearly for this toy of their Secretary—but let us be rid of it, and of this "State Mission," of its memory; if possible of its deep and mortifying disgrace.

If this course be taken, our relations with Russia may be redeemed, restored, and placed upon a safe and honorable footing. If no one else will do it, I will move to go into Committee of the Whole on the State of the Union, for the sole purpose of moving an appropriation of \$9,000 for an outfit, and \$9,000 for a first year's salary, to enable the PRESIDENT to send out to Russia an efficient Mission, and one in *all* respects different from this of the *Secretary*. For never, sir, since the revolution, has there been a time, when the interests of the United States more urgently required a fair, honorable, and dignified representation in the Courts of Europe.







LIBRARY OF CONGRESS



0 011 895 471 3